

ORIGINAL

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1 DANIEL E. CARVALHO, ESQ.
 Nevada Bar No. 5600
 2 IMRAN ANWAR, ESQ.
 Nevada Bar No. 7979
 3 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
 300 South Fourth Street, Suite 710
 4 Las Vegas, Nevada 89101
 Phone (702) 383-3400
 5 Fax (702) 384-1460
 Attorneys for Plaintiff
 6

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[Signature]
 CLERK OF THE COURT

7 DISTRICT COURT
 8 CLARK COUNTY, NEVADA
 9

10 KEVIN REXFORD, JULIE REXFORD,)
 11 Plaintiff,)
 12 vs.)
 13 CLIFFORD CARROLL, M.D. individually,)
 GASTROENTEROLOGY CENTER OF)
 14 NEVADA, LLP, ENDOSCOPY CENTER OF)
 SOUTHERN NEVADA LLC, and ENDOSCOPY)
 15 CENTER OF SOUTHERN NEVADA II, LLC)
 DOES I-X, inclusive,)
 16 Defendants.)
 17

Case No : A534756
 Dept No : VI

PLAINTIFFS' DESIGNATION
 OF EXPERT WITNESSES

18 COME NOW, Plaintiffs KEVIN REXFORD and JULIE REXFORD, by and through
 19 their attorneys of record, the law firm of ROGERS, MASTRANGELO, CARVALHO &
 20 MITCHELL, and hereby submits their Expert Witness Disclosure as follows.

- 21 1. Russell Yang, M.D., PH.D.
 University of Southern California, Keck School of Medicine
 22 Department of Medicine, Suite 1000
 1520 San Pablo
 23 Los Angeles, CA 90033

24 Dr. Yang is a board certified gastroenterologist who will testify in an expert capacity
 25 with respect to the opinions identified in his report produced herewith, his review of medical
 26 records and testimony, and related matters. A copy of his curriculum vitae is enclosed
 27 herewith.
 28

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- 2. Arnold Wax, M.D.
3920 S. Eastern Avenue
Las Vegas, Nevada 89119

Dr. Wax is a board certified oncologist who will testify in an expert capacity with respect to the opinions identified in his report produced herewith. Dr. Wax is also a treating physician who will testify to additional matters related to his care and treatment of Mr. Rexford, his prognosis, need for past and future medical care, pain and suffering, and other matters related to his care.

- 3. Joseph Schifini, M.D.
526 S. Tonopah Drive, Suite 160
Las Vegas, Nevada 89106

Dr. Schifini is an anesthesiologist who will testify in an expert capacity with respect to his opinions identified in his report and produced herewith.

- 4. Arthur Schorr
Arthur Schorr & Associates
4710 S. Deseret Drive
Woodland Hills, CA 91364

Mr. Schorr is the President of Shorr & Associates, Consultants to Health Care Providers, who will testify in an expert capacity with respect to the operational and corporate failures and negligence as identified in his report produced herewith.

- 5. Terrence M. Clauretje, Ph.D.
3741 Lyle Lane
Las Vegas, Nevada 89120

Dr. Clauretje is a professor of economics at the University of Nevada-Las Vegas who will testify in an expert capacity with respect to the economic losses suffered by the Plaintiffs as outlined in his report which is produced herewith.

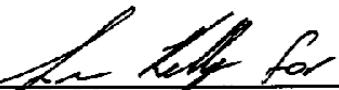
DOCUMENTS

- 1. Report of Russell Yang.
- 2. Curriculum Vitae of Russell Yang.

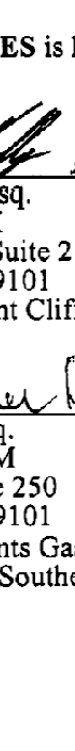
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RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing **PLAINTIFFS' DESIGNATION OF EXPERT WITNESSES** is hereby acknowledged this ___ day of February, 2008.



Sherman B. Mayor, Esq.
MAYOR LAW FIRM
701 South 9th Street, Suite 210
Las Vegas, Nevada 89101
Attorney for Defendant Clifford Carrol, M.D.



Cheryl D. Horner, Esq.
HORNER LAW FIRM
701 S. 9th Street, Suite 250
Las Vegas, Nevada 89101
Attorney for Defendants Gastroenterology Center of Nevada , LLC, and
Endoscopy Center of Southern Nevada, LLC and II, LLC.

EXHIBIT 1



USC
UNIVERSITY
HOSPITAL
Trans-California HealthSystem

This report contains my opinions and a summary of the materials I have reviewed related to the unfortunate failure to diagnose Mr. Kevin Rexford's colon cancer at the age of 43. My opinions are made to a reasonable degree of medical probability. I have determined that the failures (deviations from standard of care) in Kevin's medical care were multiple, and resulted in a failure to timely diagnose his colon cancer. The failures can essentially be placed into three categories: (1) Failure in the technical performance of his colonoscopy; (2) Failure in the work-up of his multiple signs and symptoms of colon cancer; and (3) Institutional-Corporate failures in quality assurance, and operational practices focused upon profit at the expense of quality care. Items (1) and (3) are substantially interrelated, and are discussed in more detail below.

Failure in the Technical Performance of Kevin's Colonoscopy

Kevin underwent a colonoscopy which was performed by Clifford Carrol, MD on January 28, 2005. From the endoscopy register of this date, it appears that Kevin was one of at least twenty-five (25) men and women whom Dr. Carrol performed primarily colonoscopy or another endoscopic procedure upon. It appears that at a minimum, twenty (20) of these twenty-five (25) procedures were colonoscopies. The identity of the physician(s) who performed additional procedures at the Center that day have been erased from the Register so that I could not definitely determine whether Dr. Carrol performed additional procedures.

Dr. Carrol is an entrepreneurial physician who is part-owner in the Endoscopy Center of Southern Nevada which is an ambulatory surgical center wherein Kevin's colonoscopy was performed. (31:12) Not only does he derive income from the endoscopist's fee, he also earns income based upon the profit of the Endoscopy Center of Southern Nevada, and the profit of his group practice (Gastroenterology Center of Nevada) (26:20 and 29:10). The profit of the Endoscopy Center is generated from individual facility fee charges which are billed to each patient for all procedures performed at the Center whether Dr. Carrol performs the procedures or not.

By his own account, the day of Kevin's colonoscopy was a day when Dr. Carrol performed more than his self-described average number of 20-22 procedures (P100:13). However, he indicated during another portion of his testimony that in a morning surgery session of 7 am to 1pm, he could perform 18-20 colonoscopies, and then in the afternoon session, it might be typical for him to perform 12-13 additional procedures. (71:23 through 72:14). This would be between 30-33 procedures in a single day.

With the quest for profit from both the Endoscopy Center of Southern Nevada and the Gastroenterology Center of Southern Nevada, Dr. Carrol appears compelled to perform a large

Richard K. Eamer Medical Plaza
1500 San Pablo Street
Los Angeles, CA 90033
213/512-8500

number of procedures. With the undue pressure to perform these many procedures (25 to 33 consecutive procedures) by an individual physician in a single day, patients are unnecessarily exposed to procedural risks including missed diagnosis. The demands made by scheduling each procedure only 15 minutes apart (66:20) are self-evident. Dr. Carrol testified that the Endoscopy Center of Nevada places no limit on the number of procedures he can perform in a given day (68:10). Indeed, Dr. Carrol actually has performed a record total of fifty (50) endoscopic procedures in a single day when one of his partners became ill (72:24). Thus, while scheduling and performing so many procedures in a single day allows the physician to maximize his profit, it sacrifices quality patient care.

This modus of operation is clearly shown by the Kevin Rexford case. Scheduled at brisk intervals without time for proper assessment of Kevin's symptoms and the substandard performance of Kevin's colonoscopy (a withdrawal time to examine the large intestine in 1-3 minutes), clearly explains why Dr. Carrol missed Kevin's colon cancer despite a rather typical clinical presentation. The procedure was documented in the nursing record with a start time of 12:01pm and end time of 12:09pm. Dr. Carrol testified that it is typical for him to be assigned a morning session of 7:00 am to 1:00 pm. (70:24). Therefore, Kevin's procedure was performed in the fifth (5th) hour of his extremely busy procedure schedule. According to the nurse who documented the procedure, it started with administration of the sedation, and ended with removal of the colonoscope (74:13 through 74:21). Nurse Krueger appears to follow the customary practice of documenting the start time with the initial administration of the sedation.

The sedation used was propofol from a 10cc syringe and 18 gauge needle (CRNA-Lakeman 48:24). The initial dose included a mixture of 30mg of lidocaine to help ease the common burning sensation a patient experiences upon administration. (CRNA-Lakeman, 43:1-12). The CRNA who performed the procedure testified that there is 100mg per vial (43:1), and that he uses a small 22 gauge catheter (47). With Kevin's large size of 220 lbs, this initial dose mixed with lidocaine would be less than 1/2 of the propofol usually needed to adequately prepare him for the procedure, and a second dose would certainly need to be given before the colonoscope could be safely inserted.

In my experience performing this procedure with propofol, when all of the factors associated with safe and proper administration are taken into consideration, I would estimate, that even at the brisk pace at which this center appears to operate, that it would be reasonable to estimate at least a 2-3 minute time interval from the initial injection before the colonoscope would actually be inserted.

Dr. Carrol testified that it was his best estimate that it took him three (3) minutes to advance the scope to the cecum (140:24). Assuming this is an accurate estimate, and adding on the time for sedation, it is evident that Dr. Carrol spent a grossly inadequate amount of time during this examination. Specifically, if it only took 2 minutes to sedate, and 3 minutes to advance the colonoscope, Dr. Carrol would only have 3 minutes to perform his entire examination of approximately 6-8 feet of colon. It is well established that careful mucosal inspection is essential for effective colorectal detection. (*Quality in the Technical Performance of Colonoscopy, Recommendations of the U.S. Multi-Society Task Force on Colorectal Cancer*

American Journal of Gastroenterology, Volume. 97, No.6, 2002). To conform to the standard of care, the physician needs to spend adequate time examining the proximal and distal sides of folds, flexures and valves. If the examiner has only 3 minutes relegated to this task, the risk of missing a lesion is unacceptably high and falls below the standard of care. Indeed, most gastroenterologists perform their exam during the withdrawal of the colonoscope. Dr. Carrol testified and confirmed that withdrawal is when most of his examination is taking place (139:7).

Studies have established that the quality of withdrawal during colonoscopy is associated with the risk of missing lesions. (Douglas K. Rex, MD, *Colonoscopic Withdrawal Technique is Associated with Adenoma Miss Rates*. Gastrointestinal Endoscopy. Volume 51, Issue 1, Jan. 2000). In particular, adequate examination time is a well-known and significant factor in the effectiveness of colonoscopy and detection of cancer. This self-evident relationship is part of any basic gastroenterologist's training. In 2002, it was recommended by multiple national professional societies that withdrawal time during a colonoscopy should average at least 6-10 minutes. (*Quality in the Technical Performance of Colonoscopy, Recommendations of the U.S. Multi-Society Task Force on ColoRectal Cancer*, American Journal of Gastroenterology, Vol. 97, No.6, 2002).

Prior to these publications, gastroenterologists know that the greater amount of time spent examining the colon increases the detection of abnormalities. In 2002, it was opined that longer (longer than 6-10 minutes of withdrawal) intervals may ultimately be shown to be necessary for optimal examination. This knowledge was affirmed in later publications (*Quality Indicators for Colonoscopy*, ASGE/ACG TaskForce on Quality in Endoscopy, Gastrointestinal Endoscopy. Vol. 63, No. 4 2006; and *Colonoscopic Withdrawal Times and Adenoma Detection*, New England Journal of Medicine 355:24 Dec. 2006).

In this case of Kevin Rexford, approximately $\frac{1}{2}$ or less than $\frac{1}{2}$ of the recommended minimum examination time was utilized. Although Dr. Carrol testified that he participates in medical education at a local hospital, his testimony suggests that he neither knows nor can recite well-established principles and criteria for performing colonoscopy within the standard of care. Dr. Carrol's testimony is as follows:

1. He has never attended a Continuing Medical Education course that included a lab on colonoscopy (22:6).
2. There are no evidence based guidelines he is required to follow when performing a colonoscopy. (75:11).
3. He does not know what a quality indicator in the performance of a colonoscopy is, other than to say that a photo-documented procedure as to completeness would be a measure of quality, and other than that, there are no other measures in his opinion. (75:11-20).
4. He is not aware of any criterion used by anyone nor any entity for evaluating the quality of a colonoscopy (78:3).
5. He sees no urgency nor need to have quality indicator guidelines for each colonoscopy that he performs (78:7).
6. He does not customarily take photographs of the medial wall of the cecum

- between the ileo-cecal valve and the appendiceal orifice. (79:12).
7. He does not typically take photographs of the appendiceal orifice (79:17).
 8. He is not aware of any guidelines or standards published by the American Society of Gastrointestinal Endoscopy which relate to the quality performance of a colonoscopy (21:19).¹
 9. He defines intubation of the cecum as visualizing any single landmark (such as the ileo-cecal valve only) (162:6).
 10. He is not aware of any Multi-Society Task Force on colorectal cancer (163:12).²
 11. He is not aware that the Task Force was assembled as a collaborative project of four professional societies to address colon cancer detection and prevention. (163:17).
 12. He has not read *any* of Dr. Douglas Rex's (a leading authority on colonoscopy) literature on the quality of performance of a colonoscopy (244:24).
 13. He does not believe it is the standard of care to intubate the cecum by placing the tip of the colonoscope past the valve and into the caput; but rather, to simply reach the cecum and document *one* landmark (248:23).
 14. He disagrees that the colonoscopy procedure description should include more than the ileo-cecal valve (249:5)

In addition to a lack of adequate examination time, and as a product thereof, Dr. Carrol failed to intubate the cecum of Mr. Rexford. The multi-society task force recommendations addressed the need to intubate the cecum, and described intubation as follows: "By definition, cecal intubation is achieved when the tip of the colonoscope is passed beyond (past) the ileocecal valve lip into the caput coli, allowing effective visualization of the medial wall of the cecum lying proximal (past) to the ileocecal valve."

In this case of Kevin Rexford, Dr. Carrol failed to achieve cecal intubation. Dr. Carrol only took a gross picture of the ileo-cecal valve from the top. He testified that the photograph he took during the procedure depicts the deepest part that he got into the cecum. (289:16). Moreover, there is no written text documenting completeness of the examination. Thus, there is no documentation *at all* of meeting the standard of care of an adequate colonoscopic examination. The pathologist noted that Kevin's cancer was located just 2cm from the appendiceal orifice, which is located beyond the ileo-cecal valve in the base of the cecum. In order for Dr. Carrol to have seen a cancer in this location he would have had to take the time to actually intubate the cecum and carefully examine the caput of the cecum. With inadequate

¹ The ASGE, of which Dr. Carrol is a member, published "Quality Indicators for Colonoscopy" in the Gastrointestinal Endoscopy Journal, Volume 63, No.4 2006. These quality indicators were similar to those of the Multi-Society Task Force assembled in 2000, and whose recommendations were published in 2002. Despite testifying that he keeps abreast of information in his area of expertise, Dr. Carrol was unaware of either study or publication. They discussed intubation of the cecum, and recommended documentation of the cecal landmarks such as the appendiceal orifice which helps prove intubation of the cecum. The Medical Director of the Endoscopy Center, Dr. Desai, testified that "if anyone in my group keeps abreast of any recent information, its Dr. Carrol" (17:10).

² In December of 2000, recommendations of the multi-society task force comprised of the ACGA, ASIM, AGA, and ASGE for the quality performance of colonoscopy were developed and published in 2002.

examination time and no documentation, Dr. Carrol failed to properly diagnose Kevin's cancer.

As further evidence that Dr. Carrol fell below the standard of care in performing Kevin's colonoscopy is his failure to document visualization of the appendiceal orifice. This is a particularly important landmark. As stated in the recommendations of the U.S. Multi-Society Task Force:

The procedure report should document whether cecal intubation occurred and should, *in all cases* specify the *landmarks* (plural) used to verify intubation.

Documentation of visualization of the appendiceal orifice is accomplished by taking a photo at a distance that allows visualization of the strap fold around the appendix. In this case, Dr. Carrol did not document this despite the fact that he was taking photographs during the procedure! In addition, Dr. Carrol's procedure report contains no description and indicates that he only observed one landmark. Dr. Carrol testified that Kevin's operative report is typical of the documentation he prepares. Failure to properly document the intubation of the cecum falls below the standard of care. Further, as noted in the task force statement "Because of variations in cecal anatomy, still photography does not provide convincing documentation in all cases, thus underscoring the need to document landmarks (plural) identified in the text of the procedure report." This was simply not done, and falls below the standard of care.

In Volume I of Dr. Carrol's deposition, he testified that he did not typically take photographs of the appendiceal orifice (79:17). Subsequently, in Volume II, Dr. Carrol changed his testimony about the importance of the photograph in demonstrating cecal intubation. At this juncture, he stated that whenever he has the opportunity to photograph the appendiceal orifice he does (249:21; and 253:25). In Kevin's case, the surgical pathology specimen shows the relationship of the appendiceal orifice to the cancer. If this is Dr. Carrol's typical practice, one must ask why he did not photograph the appendiceal orifice in either of the colonoscopies he performed on Kevin. Upon my review of several iterations of the photographs, there is no evidence of cecal intubation nor visualization of the appendiceal orifice.

In the written text of his procedure report, Dr. Carrol indicates that the entire examination was normal. Alternatively, Dr. Carrol explains away Kevin's symptoms as being due to bleeding hemorrhoids and yet Dr. Carrol fails to properly document the size, configuration, severity or even if Kevin had any signs of rectal bleeding at all.

In summary, Kevin received substandard care. Dr. Carrol failed to properly perform an adequate examination of Kevin's colon including intubation of the cecum and to properly document his examination. Due to the scheduling pressures and the desire to perform many procedures as he could, Dr. Carrol sacrificed Kevin's chance for proper diagnosis and earlier detection of his cancer.

Corporate Failures In Quality Assurance

In 1999, the ASGE/AGA/ACG guidelines for quality improvement recommended "review of endoscopic treatment against established specified criteria" (*Quality Improvement for Gastrointestinal Endoscopy*, Gastrointestinal Endoscopy. Vol.49, No.6, 1999). Furthermore, it was recommended that procedures should be reviewed regularly by a committee that would report their findings and it was recommended that information should be made available to endoscopists to allow for opportunities for improvement. "The committee must identify clinical indicators by which records can be reviewed" including the technical performance of the colonoscopy procedure.

I have served both as a medical director and on quality-peer review committees for both ambulatory endoscopy centers as well as hospital endoscopy centers. In every center I have been associated with or know of, there exists a quality assurance program which includes a comprehensive peer review program. This quality assurance program is known by all practitioners to exist and endoscopists know that their cases will be peer reviewed to ensure that standard guidelines for the performance of procedures are adhered to. The peer review process is designed to identify problems before they occur and instill behavior modification in a pro-active manner.

Amazingly, both the Medical Director, Dr. Desai, and the major endoscopist, Dr. Carrol testify that there is no ongoing pro-active peer-review of procedures at the Endoscopy Center of Southern Nevada. Dr. Carrol testified that he was unaware of any process by which the endoscopic procedures he performs at the Endoscopy Center of Southern Nevada are reviewed by others for purposes of quality assurance (57:19). When Dr. Desai is queried about his role as Medical Director, he says that he looks at financials, expenses and staffing and reacts to any problems that are brought to his attention (10:10). Moreover, both Dr. Desai and Dr. Carrol's testimony displayed a lack of understanding of what proper peer-review programs are. I believe that had an active quality assurance program been in place at the Endoscopy Center of Nevada at the time of or before Kevin's colonoscopy, parameters of proper performance of a colonoscopy including documentation would have been established. Dr. Carrol testified that quality assurance with respect to the performance of a colonoscopy procedure is left to himself (56:19). Thus, it was left up to Dr. Carrol himself to review his own techniques and procedures.

The medical director, Dr. Dipak Desai, confirmed this lack of quality assurance:

- Q: My impression from your testimony is that quality assurance becomes an issue when there's a complication or a problem that arises?
- A: Yes. That's the key.
- Q: Do you have any measures in place by which you attempt to prevent a complication from arising before it occurs in terms of the quality

performance of a colonoscopy?

A: There is no measure. It's just a person's own ability.

(17:25 through 18:9).

Q: So you didn't feel any need to review his [Dr. Carrol's] procedures in 2004?

A: I don't think I even needed to review his procedures for a long time.

(21:10).

Q: Dr. Carrol had testified when I took his deposition that quality assurance for the performance of a colonoscopy is left to him, the physician. Do you agree?

A: I think he is absolutely right?

(23:21)

As further evidence that no peer-review program exists at the Endoscopy Center of Southern Nevada, both Dr. Desai and Dr. Carrol admit that Kevin's case had NOT been discussed. Dr. Desai, as medical director of the center, testified that he does not even consider Kevin's case to be an event that should be reported to him (46:4) and that he did not discuss the case with Dr. Carrol (Desai, 9:21). When asked about his quality assurance program, Dr. Desai described a re-active as opposed to pro-active mechanisms. He testified that there cannot be and thus is no committee on how a person should do the procedure, and that quality assurance rests with their qualifications. Dr. Desai testified that they look at patient satisfaction, patient complaints, and complication rates. He confirmed that the "key" to his quality assurance program is that quality assurance becomes an issue when a problem arises.

Failures in the work-up of Kevin's multiple colon cancer symptoms

Kevin testified that in the months prior to his colonoscopy, he began to suffer from bouts of constipation that were relatively chronic, and that it began approximately in the summer of 2004. (64:3) It appears that his colon cancer symptoms began to develop in the Summer-Fall of 2004 and that the symptoms were new in onset.

On October 27, 2004, Kevin presented to his primary care physician with colon cancer signs and symptoms of constipation, bloating, and abdominal pain. As part of his initial evaluation, a blood count, stool blood test and x-ray of his abdomen was obtained (the latter of which was read as normal). Since Kevin's cancer was at an earlier stage, he was not anemic but

showed evidence of blood in his stool from his cecal cancer. Subsequently, he was referred to Dr. Carrol's group for evaluation. Interestingly, there were no signs or symptoms of hemorrhoid problems such as rectal pain, pruritis or bright red blood on the toilet paper. The cardinal signs and symptoms of colon cancer were present at the very first presentation of Kevin (abdominal pain, change in bowel habits (constipation) and blood in the stool). These clinical indicators should have been taken very seriously in a YOUNG individual with NEW onset in symptoms.

Dr. Carrol testified that hemepositive stool (FOBT+) and abdominal pain are unusual presentations of colon cancer (P. 113, L. 1). It appears that the lack of continuity in care contributed to Dr. Carrol's lack of interest in these symptoms. In this regard, Dr. Carrol testified that he did not perform the history and physical upon the patient prior to his colonoscopy (197: 6), and did not meet the patient until he arrived in the operating room. Neither his history of abdominal pain, nor his change in bowel habit (constipation) are noted by Dr. Carrol as indications for the procedure in his operative note. With the fast pace that the Endoscopy Center of Southern Nevada operated under, it is doubtful that Dr. Carrol had any time to critically review Kevin's history and chart, and develop any special interest in his clinical presentation before the procedure.

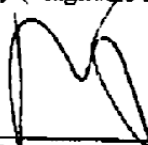
The pattern of carelessness and lack of thoroughness continues in Kevin's outpatient visits. For instance, in the April 12, 2005 follow up visit after the first colonoscopy, Dr. Carrol did not make the effort to list Kevin's medications which might effect his clinical presentation, did not dictate a note and did not take the time to document a recognized impression nor diagnosis. The patient described this visit as extremely brief, and the note seems to be an accurate reflection of this inattention to Kevin. Indeed, in a patient with a prior history of peptic ulcer disease, Dr. Carrol does not even acknowledge this fact or recommend any follow-up. Without a plan of action, the patient did not have a repeated blood count or stool tested for blood which would have led to additional studies (i.e., capsule endoscopy). Again, another chance to find the cecal cancer was missed. In addition, Ms. Joanne Garcia (the Nurse Practitioner in Dr. Carrol's office) notes a much different presentation in April, 2005 in which Kevin did complain of persistent abdominal pain which was not "resolved" with Citrucel as Dr. Carrol had charted.

Kevin's case clearly suggests a process issue with Dr. Carrol's office (The Gastroenterology Center of Nevada). In four clinic visits, Kevin was seen by three different individuals (the physician assistant, the nurse practitioner and Dr. Carrol) and fell through the cracks in a practice geared towards seeing a large volume of patients without continuity of care. There appears to be no coordination or discussion concerning a young male with classic symptoms of colon cancer without a firm diagnosis. For instance, no labs were repeated between October 2004 and December 2005. During this time, Kevin had a blood loss of approximately 10 grams of hemoglobin. Because of the lack of communication between practitioners and lack of longitudinal care, additional opportunities to make an early diagnosis were missed.

Dr. Carrol has testified that Kevin's cancer was perhaps not diagnosable at the time of initial colonoscopy and that Kevin's symptoms did not reflect his underlying malignancy. No other reasonable diagnosis explains Kevin's clinic presentation or course. In addition, Kevin

presented with significant anemia from his cancer within 10 months of his initial colonoscopy. Further, his type of colon cancer was not anaplastic, poorly differentiated, nor associated with microsatellite instability. To suggest that the cancer was too early in development to be seen is implausible given the constellation of symptoms and the fact that Dr. Carrol failed to adequately perform Kevin's colonoscopy.

In summary, Kevin represents a series of failures by Dr. Carrol which resulted in a colon cancer which has progressed to an incurable stage. The only chance Kevin had was to receive adequate screening for colon cancer which was the purpose of performing his colonoscopy in the first place. To a reasonable degree of medical probability, early detection would have afforded Kevin a substantial (more probable than not) chance for a cure (resectable lesion) and greater longevity (diagnosis at an earlier stage).



Russell D. Yang, MD, PhD
Associate Professor of Medicine
Keck School of Medicine
University of Southern California

EXHIBIT 2

January, 2008

CURRICULUM VITAE

A. Personal Information:

Name	Russell David Yang, M.D., Ph.D.
Business Address	Division of Gastrointestinal and Liver Diseases HealthCare Consultation Center II Suite 1000 Los Angeles, CA 90033
Business Phone	(323) 442-5665
Business Phone	(323) 226-7995
Business Fax	(323) 226-7573
Place of Birth	Glen Ridge, New Jersey,
Citizenship	US
E-Mail Address	ryangmdphd@cs.com

B. Education:

High School	Kinkaid School, Houston, TX, Cum Laude Graduate, 1974
College or University	Trinity College, Hartford, CT, B.S. (Biochemistry), Graduated with Honors, 1978
Graduate School	Massachusetts Institute of Technology, Cambridge, MA, Ph.D. (Nutritional biochemistry and metabolism), 1982
Medical School	Baylor College of Medicine, Houston, TX, M.D, 1984
Internship	Duke University Medical Center, Internal Medicine Durham, NC, 1984-1985
Residency	Duke University Medical Center, Internal Medicine, Durham, NC, 1985-1987
Fellowship	University of Texas Southwestern Medical Center, Dallas, TX, Gastroenterology, 1987-1989 LAC+USC Medical Center, Los Angeles, CA, Gastroenterology, 1989-1990
Honors and Awards	Bank of America - Gianinni Foundation Scholar, LAC+USC Medical Center, (declined) 1990 Assistant Chief Resident, Duke University Medical Center, 1987 House Staff Publication Award, Duke University Medical Center, 1986

Honorary Student Research Forum, University of
Texas Medical Branch, Galveston, Texas, 1983
Sigma XI, Honorary Research Society, Massachusetts
Institute of Technology, 1982
American Society of Clinical Nutrition Student
Fellow XII International Congress of
Nutrition Travel Award, Massachusetts Institute of
Technology, 1982
Honorable Mention, National Student Research, Baylor
College of Medicine, 1982
American Medical Association - Educational Research
Foundation Student Fellowship in Clinical
Nutrition, 1982
Whitaker Health Sciences Fellow, Massachusetts
Institute of Technology, 1981
Honors Graduate in Biochemistry, Trinity College,
1978
Louis J. Arrone Prize in Biochemistry, Trinity College,
1978
Biology Department Research Grant, Trinity College,
1978
Trinity Scholarship, Trinity College, 1977-1978

Licensure

California

Board Certification

Internal Medicine, 1987
Gastroenterology, 1989

C. Professional Background:

Academic Appointments

Associate Professor of Medicine, Keck School of Medicine, University of
Southern California, Los Angeles, CA, 1998–Present

Assistant Professor of Medicine, Keck School of Medicine, University of
Southern California, Los Angeles, CA, 1990–1998

Clinical Administrative Appointments

Associate Director of Gastroenterology, Southern California , VISN, Veterans
Hospital, Los Angeles, CA, 2002–2003

Chief, Gastroenterology and Endoscopy, Los Angeles Veteran Affairs Outpatient
Facility, Los Angeles, CA, 1990–2003

Director, Clinical Gastroenterology Training Program, LAC+USC Medical
Center, Los Angeles, CA, 1990–1993

Specific Teaching Responsibilities

USC Family Medicine Board Review and Clinical Update, Universal City, CA,
6/25/1999

Update on Diabetes, USC Division of Endocrinology, Anaheim, CA, 4/24/1998
Grand Rounds, USC Division of Geriatric Medicine, 4/15/1996
LAC+USC Core Curriculum and Ambulatory Care Lecture Series, 1996–Present
Grand Rounds, USC Department of Otolaryngology, 12/8/1995
Grand Rounds, Keck School of Medicine, University of Southern California,
11/16/1993
Grand Rounds, USC Department of Geriatric Medicine, 10/18/1993
USC Update in Gastroenterology and Liver Disorders, 9/18/1993
USC Gastroenterology Review Course, 1992–Present
Grand Rounds, USC Student Health and Counseling Center, 11/20/1992
Grand Rounds, Keck School of Medicine, University of Southern California,
3/6/1992
Grand Rounds, USC Student Health Center, 3/12/1992
USC Physician Assistant Review Course, 8/15/1991
USC Gastroenterology Review Course, University of Southern California,
Santa Barbara, CA, 8/2/1991.
USC Internal Medicine Review Course, 1991–2002
USC Physician Assistant Review Course, 1991–2002
Responsibilities: Gastroenterology/Liver Organ System Year II Lectures, 1990–
Present
Curriculum Keck School of Medicine, University of Southern California, 1990–
Present

Specific Administrative Responsibilities

Director, USC Center for Pancreatic and Biliary Diseases, Keck School of
Medicine, University of Southern California, Los Angeles, CA, 1994–Present
Chair, Practice Operation and Development Committee (PODC), Keck School of
Medicine, University of Southern California, Los Angeles, CA, 2004 – 2006
Member, Practice Operation and Development Committee (PODC), Keck School
of Medicine, University of Southern California, Los Angeles, CA, 2006 –
present
Board member, USC Department of Family Medicine, Los Angeles, CA, 2004-
present

Other

Attending Physician, USC University Hospital, Los Angeles, CA, 1990–Present
Attending Physician, Los Angeles County General Hospital, Los Angeles, CA,
1990–Present
Attending, Physician, USC/Norris Comprehensive Cancer Center, Los Angeles,
CA, 1990 - Present
Staff, Los Angeles Veteran Affairs Outpatient Facility, Los Angeles, CA, 1990–
2005.
Consulting Physician, Childrens Hospital, Los Angeles, CA, 2001-present

D. Society Memberships:

Professional

American Society for Gastrointestinal Endoscopy, 1990 - Present
Southern California Society of Gastroenterology, 1990 - Present
American College of Physicians, 1989 - Present
American College of Gastroenterology, 1990 - Present
American Gastroenterological Association, 1990 - Present

E. Service:

Professional Organizations

National/International

Scientific Committee, American Gastroenterology Association, Esophageal Section, 2005-present
Scientific Committee, American Society for Gastrointestinal Endoscopy, 2000-2004
Vice President, Southern California Society of Gastroenterology 2003-2004
Secretary, Southern California Society of Gastroenterology, 2002-2003
Treasurer, Southern California Society of Gastroenterology, 2001-2002
Education Councilor, Southern California Society of Gastroenterology, 1998-2002
Committee on Diversity, American Society for Gastrointestinal Endoscopy, 1998-2000
Department of Veterans Affairs Information Group, American Society for Gastrointestinal Endoscopy, 1997-Present
Program Chair, Southern California Society of Gastroenterology, 1996-2002
Membership Chairman, Southern California Society of Gastroenterology, 1995-1996
Curbstone Chair, Southern California Society of Gastroenterology, 1994-1995

Local

Chair, Library and Media Committee, Los Angeles Veteran Affairs Outpatient Facility, 1990-2001
Infection Control Committee, Los Angeles Veteran Affairs Outpatient Facility, 1990-2001
Surgicenter Oversight Committee, Los Angeles Veteran Affairs Outpatient Facility, 2000-2001

University/Other Committees

Nutritional Care Committee, LAC+USC Medical Center, 1998-1999
Chair, Enteral Feeding Committee, LAC+USC Medical Center, 1998-1999
GI Endoscopy Committee, USC University Hospital, 2000-Present
Pharmacy and Therapeutics Committee, USC/Norris Comprehensive Cancer Hospital, 2003-2006

Journal Reviews

American Journal of Gastroenterology, American Journal of Medicine, Annals of Internal Medicine, Gastrointestinal Endoscopy

Other

Symposia Organized

Esophagus Co-Chair Term, Annual Scientific Program Committee, American Society, Gastrointestinal Endoscopy, 2002-2004

Sessions Chaired

Digestive Disease Week 2004

Digestive Disease Week 2003

Digestive Disease Week 2002

F. Research Activities:

Major Areas of Research Interest

Atypical GERD, Post-Operative Ileus, Pill Esophagogastroscopy in Primary Care; Cost effective applications of newer endoscopic instruments, Tissue acquisition, Choledochoscopy

Research History

1. Research History: Enzyme biochemistry-cytochrome P450 kinetics in rats treated with aromatic hydrocarbons, Argonne National Laboratory, Research Assistant 1977
2. Lipid biochemistry-characterization of the phospholipid, dielaidoylphosphatidylethanolamine, Dr. Joel Morrisett, Baylor College of Medicine, Student Investigator, 1975-1979
3. Amino Acid and protein metabolism-characterization of alanine, glycine, and leucine kinetics in humans using stable isotopes, Dissertation: Impact of Dietary Protein and Energy on Human Whole Body Alanine Nitrogen Metabolism: A Dynamic Approach, Dr. Vernon Young, Massachusetts Institute of Technology, Graduate Investigator, 1979-1982
4. Nutrition-effect of interleukin-1 on whole body nitrogen metabolism in rats, Drs. George Blackburn and Bruce Bistrian, Harvard Medical School, Graduate Investigator, 1979-1982
5. Physiology-human magnesium kinetics, Dr. William Yarger, Duke University Medical Center, Resident Investigator, 1986-1987
6. Molecular biology-cloning course, Drs. Joseph Sambrook and Mary Jane Gething, University of Texas Southwestern

- Medical Center, Student, 1988
7. Molecular biology—pancreatic protein translation kinetics in a transgenic mouse model of pancreatic cancer using the fusion gene of the trypsin promotor linked to the SV-40 oncogenes, Dr. Raymond MacDonald, University of Texas Southwestern Medical Center, Post Graduate Research, 1988–1989
 8. Physiology—human pancreatic secretion in response to ethanol intake and cigarette smoking, Dr. Jorge Valenzuela, LAC+USC Medical Center, Fellow Investigator 1989–1990
 9. Molecular biology—ras oncogene and p53 mutations in human gastrointestinal malignancies, Investigator, 1989–1997
 10. Endoscopy—completely designed, built and equipped the Endoscopy Suite, Los Angeles Veterans Outpatient Clinic, Clinical Research 1990–1991, 1994–1995
 11. Outcomes in Clinical Medicine—completion of Management Development Course for Physicians, Marshall School of Business, University of Southern California, Attendant, 1997

G. Invited Lectures:

- Honolulu Gut Club, Honolulu, HI , 7/15/2007
Salt Lake City Gut Club, Salt Lake City, UT, 5/25/2007
American Practitioners for Infection Control, Ontario, 9/20/2000.
Digestive Diseases Week, Osaka, Japan, 10/29/2000.
Cigna Medical Group Symposium, Los Angeles, CA, 10/10/1990.
Family Medicine Grand Rounds, Martin Luther King Medical Center, Los Angeles, CA, 5/6/1992.
Santa Clara Chapter, American Academy of Family Physicians, Monterey, CA, 6/14/1992.
San Gabriel Chinese Physicians Society, Los Angeles, CA, 8/12/1992.
Family Medicine Grand Rounds, University of California Irvine Medical Center, Irvine, CA, 10/7/1992.
Family Medicine Grand Rounds, Martin Luther King Medical Center, Los Angeles, CA, 10/15/1992.
Annual Meeting, California Society of Hospital Pharmacists, Anaheim, CA, 10/17/1992.
San Gabriel Chinese Physicians Society, Los Angeles, CA, 11/17/1992.
Annual Meeting, Arab American Medical Society, Palm Desert, CA, 5/8/1993.
Southern California Society of Gastroenterology, Los Angeles, CA, 7/8/1993.
Southern California Society of Gastroenterology, Newport Beach, CA, 7/15/1994.
Southern California Filipino Medical Society, Los Angeles, CA, 11/14/1994.
Burma Medical Association, Los Angeles, CA, 12/7/1994.
San Fernando Valley Chinese American Medical Society, Los Angeles, CA, 3/19/1995.

Arizona State Osteopathic Medical Association, Phoenix, AZ, 4/7/1995.
Joseph C. Greenfield Jr. Symposium, Duke University Medical Center, Durham, NC, 6/16/1995.
Southern California Society of Gastroenterology, Oxnard, CA, 7/18/1995.
California Society of Allergy and Clinical Immunology, Carlsbad, CA, 7/28/1995.
Sigaloff Lecture. Los Angeles Veterans Administration Outpatient Clinic, Los Angeles, CA, 4/1/1996.
Southern California Society of Gastroenterology, Newport Beach, CA, 6/29/1996.
Los Angeles Veterans Administration Outpatient Clinic, Los Angeles, CA, 2/11/1997.
Head and neck surgery. Los Angeles Society of Otolaryngology, Los Angeles, CA, 3/17/1997.
Southern California Society of Gastroenterology, Course Director, Newport Beach, CA, 7/18/1997.
Phoenix Society of Gastroenterology, Phoenix, AZ, 9/18/1997.
Texas Academy of Family Physicians, Houston, TX, 3/11/1998.
American Association of Physician Assistants, Salt Lake City, UT, 5/25/1998.
Gastroenterology Grand Rounds, Cedars-Sinai Medical Center, Los Angeles, CA, 6/11/1998.
Course Director, Southern California Society of Gastroenterology, Palm Springs, CA, 7/17/1998.
Internal Medicine Grand Rounds, Martin Luther King Medical Center, Los Angeles, CA, 9/1/1998.
Gastroenterology Grand Rounds, University of California, Davis, Sacramento, CA, 9/22/1998.
Pancreatic Cancer Symposium: Update, Outcome, Reality, Southern California Society of Gastroenterology, Los Angeles, CA, 9/26/1998.
Annual Meeting, California Society Hospital Pharmacists, Anaheim, CA, 10/22/1998.
Course Director, Southern California Society of Gastroenterology, Carlsbad, CA, 7/15/1999.
Alabama Osteopathic Medical Association, Destin, FL, 8/3/1999.
San Diego Osteopathic Medical Association. San Diego, CA, 8/10/1999.
44th Annual Raymond M. Kay, M.D., Internal Medicine Symposium, Kaiser Permanente, Anaheim, CA, 9/24/1999.
Georgia Academy of Family Physicians, Atlanta, GA, 11/12/1999.
Course Director, Southern California Society of Gastroenterology, Carlsbad, CA, 7/21/2000.
GI Regional Advisors Meeting, Beverly Hills, CA, 7/28/2000.
National Consultant Program for Reflux Disease, Pittsburgh, PA, 9/8/2000.
Florida Society of Gastroenterology, Orlando, FL, 9/10/2000.
University of Alaska, Sitka, AK, 9/23/2000.
GI Case Presentations, Universal City, CA, 11/11/2000.
American Society of Gastroenterology Scientific Program Committee. Amelia Island, FL, 2/7/2001.

Department of Medicine—Continuing Medical Education Grand Rounds, St. Francis Medical Center, Pittsburgh, PA, 2/23/2001.
 Nurses and Assistants Meeting, Society of Gastrointestinal, Tampa, FL, 5/21/2001.
 Chinese American Medical Association of Southern California, Monterey Park, CA, 6/18/2001
 GI update: Clinical issues and case studies. Los Angeles, USC Symposium, CA, 9/29/2001.
 San Diego Gastroenterology Society, San Diego, CA 1/9/2008

H. Bibliography:

Peer Reviewed

1. **Yang RD**, Morrisett JD: The use of phospholipase D in lipid chemistry. *Cardiovasc Res Center Bull (Baylor Coll Med)* XV 115–125, 1977.
2. **Yang RD**, Patel KM, Pownall HJ, Knapp RD, Sklar LA, Crawford RB, Morrisett JD: Biophysical properties of a major membrane phospholipid, dielaidoylphosphatidylethanolamine, found in an *Escherichia coli* fatty acid auxotroph. *J Biol Chem* 254:8256–8262, 1979.
3. Matthews DE, Schwartz HP, **Yang RD**, Motil KJ, Young VR, Bier DM: Relationship of plasma leucine and alpha-ketoisocaproate during a L-(1-13C) leucine infusion in man: A method for measuring human intracellular leucine tracer enrichment. *Metabolism* 31:1105–1112, 1982.
4. Keenan RA, Moldawer LL, **Yang RD**, Kawamura I, Blackburn GL, Bistran BR: An altered response by peripheral leukocytes to synthesize or release leukocyte endogenous mediator in critically ill, protein-malnourished patients. *J Lab Clin Med* 100:844–856, 1982.
5. **Yang RD**, Moldawer LL, Sakamoto A, Keenan RA, Matthews DE, Young VR, Wannemacher Jr RW, Blackburn GL, Bistran BR: Leukocyte endogenous mediator alters protein dynamics in rats. *Metabolism* 32:654–660, 1983.
6. **Yang RD**, Arem R, Chan L: Gastrointestinal tract complications of diabetes mellitus: Pathophysiology and management. *Arch Int Med* 144:1251–1256, 1984.
7. **Yang RD**, Matthews DE, Bier DM, Lo C, Young VR: Alanine kinetics in humans: Influence of different isotopic tracers. *Am J Physiol* 247:E634–E638, 1984.
8. Hoffer LJ, **Yang RD**, Matthews DE, Bistran BR, Bier DM, Young VR: Effects of meal consumption on whole body leucine and alanine kinetics in young adult men. *Br J Nutr* 53:31–38, 1985.
9. Yu YM, **Yang RD**, Matthews DE, Wen ZM, Burke JF, Bier DM, Young VR: Quantitative aspects of glycine and alanine nitrogen metabolism in post-absorptive young men: Effects of level of nitrogen and dispensable amino acid intake. *J Nutr* 115:399–410, 1985.

10. **Yang RD**, Matthews DE, Bier DM, Wen ZM, Young VR: Response of alanine metabolism in humans to manipulation of dietary protein and energy intakes. *Am J Physiol* 250:E39-E46, 1986.
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12. **Yang RD**, Kraus VB: An unusual presentation of pseudomembranous colitis. *NC Med J* 48:196-198, 1987.
13. **Yang RD**, Elliston LD, Peterson R, Sahmel R: Dysphagia and cough in a patient with a posterior mediastinal mass. *Chest* 92:529-530, 1987.
14. Hoffer LJ, **Yang RD**, Matthews DE, Bistran BR, Bier DM, Young VR: Alanine flux in obese and healthy humans evaluated by ¹⁵N- and ²H₃-labeled alanines. *Am J Clin Nutr* 48:1010-1014, 1988.
15. **Yang RD**, Thiele D: Looking at the training of house staff. *N Eng J Med* 319:721, 1988.
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17. **Yang RD**, Vuitch F, Wright K, McCarthy JH: Adequacy of disposable biopsy forceps for gastrointestinal endoscopy: A direct comparison with reusable forceps. *Gastrointest Endosc* 36:379-381, 1990.
18. **Yang RD**, Han W, McCarthy JH: Ischemic colitis in a crack abuser. *Dig Dis Sci* 36:238-240, 1991.
19. **Yang RD**, Valenzuela JE: Dysphagia: A practical approach to diagnosis. *Postgrad Med* 92:129-146, 1992.
20. **Yang RD**, Migicovsky B, Peicher J, Laine L: Randomized, prospective trial of direct current versus bipolar electrocoagulation for bleeding internal hemorrhoids. *Gastrointest Endosc* 39:766-769, 1993.
21. **Yang RD**, Naritoku W, Laine L: Prospective, randomized comparison of disposable and reusable biopsy forceps. *Gastrointest Endosc* 40:671-674, 1994.
22. **Yang RD**, Laine L: Mucosal stripping: A complication of push enteroscopy. *Gastrointest Endosc* 41:156-158, 1995.
243. **Yang RD**, Ng S, Nichol M, Laine L: A cost and performance evaluation of disposable and reusable biopsy forceps in gastrointestinal endoscopy. *Gastrointest Endosc* 51:266-270, 2000.
24. **Yang RD**, Brown M: Impact of acid-related disorders in the United States. *Special Supplement to Managed Care* 10:7-10, 2001.
25. **Yang RD**: Infection control in the gastrointestinal laboratory: Lessons learned from the use and reuse of biopsy forceps. *Endoscopy Digestiva* 15:17-22, 2002.
26. Andrade-Pais, S. and **Yang RD**: Diagnostic and Therapeutic Options in the Management of Non-Variceal Upper Gastrointestinal Bleeding. *Current Gastroenterology Reports*, 5:476-481, 2003.
27. Yu, W and **Yang RD**: An Unusual Presentation of Meckle's Diverticulum. *Gastrointest Endosc* 2006.

Peer Reviewed in Preparation

1. **Yang RD**, Ha T, Roque J, Loren L: Non-surgical treatment of bleeding internal hemorrhoids: Bipolar electrocoagulation versus infrared coagulation. In preparation, 2005.
2. **Yang RD**, Laine L: Bipolar electrocoagulation: A randomized comparison of electrogenerators. In preparation, 2005.
3. **Yang RD**, Laine L: Randomized study of monopolar vs. bipolar polypectomy snares. In preparation, 2005
4. **Yang RD**, Solomon T, Valenzuela JE: Effects of alcohol and smoking on meal-stimulated pancreatic secretion. In preparation, 2005.
5. **Yang RD**, Hamamoto R, Laine L: U.S. Randomized trial of bismuth-based triple therapy for *Helicobacter pylori*: One-week versus two-week treatment. In preparation, 2005.
6. **Yang RD**, Saw J, Naritoku W, Laine L: Randomized comparison of multiple biopsy sampling device (MSBD) and regular biopsy forceps in GI endoscopy. In preparation, 2005.

Abstracts

1. **Yang RD**, Moldawer LL, Sakamoto A, Wannemacher RW, Young VR, Blackburn GL, Bistran BR: The effect of leukocyte endogenous mediator (LEM) on whole body protein kinetics. *J Parenteral Enteral Nutr* 4:587, 1980.
2. **Yang RD**, Sakamoto A, Moldawer LL, Young VR, Wannemacher RW, Blackburn GL, Bistran BR: Stress induced changes in protein metabolism: The effect of leukocyte endogenous mediator (LEM) in the rat. *Fed Proc* 40:901, 1981.
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5. Ming-Yu Y, **Yang RD**, Matthews DE, Burke JF, Bier DM, Young VR: Whole body synthesis rates of alanine and glycine nitrogen in young men: Effects of level of N and indispensable amino acid intake. *Fed Proc* 43:299, 1984.
6. **Yang RD**, Davis BD, MacDonald RJ, Hammer RE: Biochemical characterization of exocrine pancreatic cancer in transgenic mice: A model for the study of tumor progression. *Gastroenterology* 96:A558, 1989.
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8. **Yang RD**, Suh J, Solomon T, Valenzuela J: Acute and chronic effects of smoking on pancreatic secretion. *Gastroenterology* 100:A306, 1991.

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11. **Yang RD**, Zaterka S, Solomon T, Valenzuela JE: Meal-stimulated pancreatic secretion in chronic alcoholics: Effect of smoking and ethanol ingestion. *Gastroenterology* 102:A299, 1992.
12. **Yang RD**, Migicovsky B, Peicher J, Laine L: Randomized, prospective study of direct current vs. bipolar electrocoagulation for bleeding internal hemorrhoids (IH). *Am J Gastroenterol* 87:1349, 1992.
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14. **Yang RD**, Laine L: Evaluation of a new bipolar electrocoagulation generator: Is asynchronous current better than synchronous current? *Gastrointest Endosc* 40:P38, 1994.
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17. **Yang RD**, Laine L: Randomized study of monopolar vs. bipolar polypectomy snares. *Gastrointest Endosc* 315:80, 1995.
18. **Yang RD**, Saw J, Naritoku W, Laine L: Randomized prospective comparison of a new multiple biopsy sampling device (MBSD) and regular biopsy forceps in GI endoscopy. *Am J Gastroenterol* 91:2000, 1996.
19. **Yang RD**, Laine L: Randomized comparison of 1-week and 2-week bismuth subsalicylate-based triple therapy for the treatment of H.pylori. *Gastroenterology* 110:A30, 1996.
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21. **Stapfer MV**, **Yang RD**, Jabbour N, Stain SC, Selby R, Garry D: Management of duodenal perforation after endoscopic retrograde cholangiopancreatography. *Gastroenterology* 114:S0244, 1998.
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Chapters

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2. Matthews DE, Schwartz HP, **Yang RD**, Motil KJ, Young VR, Bier DM: Relationship of plasma leucine and alpha-ketoisocaproate ^{13}C enrichment during a L-(1- ^{13}C) leucine infusion in man. In: Amino Acids: Metabolism and Medical Applications Blackburn GL, Grant JP, Young VR [editors]. J Wright-PSG, Boston, MA, pp159-165, 1983.
3. **Yang RD**, Leichman L, Ralls PW, Cohen H, Karanjia ND, Reber H: Carcinoma of the Exocrine Pancreas. In: Medical and Surgical Diseases of the Pancreas Valenzuela JE, Reber HA, Ribet A [editors]. Igaku-Shoin Medical, New York, NY, pp155-178, 1991.
4. **Yang RD**, Valenzuela JE: Acute Pancreatitis. In: Consultations in Gastroenterology Snape WJ [editor]. WB Saunders, Philadelphia, PA, pp620-529, 1995.
5. Fukunaga K, **Yang RD**: Bleeding lesions of the stomach and duodenum. In: Images in Gastroenterology Feldman M [editor]. Current Medicine, Philadelphia, PA, pp9.1-9.11, 1996.

Presentations

1. **Yang RD**, Wen ZM, Hoffer J, Hoerr R, Matthews DE, Bier D, Young VR: Whole body alanine kinetics in young men receiving various protein intakes. XII International congress of nutrition. San Diego, CA, 8/16/1981-8/21/1981.
2. **Yang RD**, Suh J, Solomon T, Valenzuela J: Acute and chronic effects of smoking on pancreatic secretion. Annual Meeting, American Gastroenterology Association, New Orleans, LA, 5/19/1991-5/22/1991.
3. **Yang RD**, Solomon T, Valenzuela J: Effect of cigarette smoking on pancreatic secretion and CCK levels in man. Annual Meeting, American College of Gastroenterology, Boston, MA, 10/14/1991-10/16/1991.
4. **Yang RD**, Zaterka S, Solomon T, Valenzuela JE: Meal-stimulated pancreatic secretion in chronic alcoholics: Effect of smoking and ethanol ingestion. Annual Meeting, American Gastroenterology Association, San Francisco, CA, 5/19/1992.
5. **Yang RD**, Migicovsky B, Peicher J, Laine L: Randomized, prospective study of direct current vs. bipolar electrocoagulation for bleeding internal hemorrhoids. Annual Meeting, American College of Gastroenterology, Miami Beach, FL, 10/27/1992.
6. **Yang RD**, Naritoku W, Laine L: Prospective, randomized comparison of disposable and reusable biopsy forceps in gastrointestinal endoscopy. Topic Forum Presentation, Annual Meeting, American Gastroenterology Association, Boston, MA, 5/18/1993.

7. **Yang RD, Laine L:** Randomized, prospective comparison of bipolar electrocoagulation (BPEC) generators. Annual Meeting, American College of Gastroenterology, San Francisco, CA, 9/29/1994.
8. **Yang RD, Ha T, Roque J, Laine L:** Randomized, prospective study of bipolar electrocoagulation (BPEC) vs. infrared coagulation (IRC) for bleeding internal hemorrhoids (IH). Annual Meeting, American Gastroenterology Association, San Diego, CA, 5/16/1995.
9. **Yang RD, Laine L:** Randomized study of monopolar vs. bipolar polypectomy snares. Annual Meeting, American Gastroenterology Association, San Diego, CA, 5/17/1995.
10. **Yang RD, Laine L:** Randomized comparison of one-week and two-week bismuth subsalicylate-based triple therapy for the treatment of H.pylori. Annual Meeting, American Gastroenterology Association, San Francisco, CA, 5/22/1996.
11. **Yang RD, Saw J, Naritoku W, Laine L:** Randomized prospective comparison of a new multiple biopsy sampling devise (MBSD) and regular biopsy forceps in gastrointestinal endoscopy. Annual Meeting, American College of Gastroenterology, Seattle, WA, 10/14/1996.
12. **Wren SM, Yang RD, Peters JH, Berci G, Katkhouda N, Ortega AE, Cohen H, Laine L, Ralls PW, Carpenter C, Stain SC:** The management of choledocholithiasis in the era of laparoscopic cholecystectomy. Society of American Gastrointestinal Endoscopic Surgeons Scientific Session, San Diego, CA, 3/21/1997-3/22/1997.
13. **Yang RD, Ng S, Nichol M, Laine L:** Disposable versus reusable forceps: A prospective cost and performance evaluation. Annual Meeting, American Gastroenterology Association, Washington, DC, 5/14/1997.
14. **Yang RD, Hamamoto R, Laine L:** One-week versus two-week bismuth subsalicylate-based triple therapy for H.pylori. Annual Meeting, American Gastroenterology Association, New Orleans, LA, 5/19/1998.
15. **Stapler M, Yang RD, Jabbour N, Stain S, Selby R, Garry D:** Management of duodenal perforation after endoscopic retrograde cholargiopancreatography. Annual Meeting, American Gastroenterology Association, New Orleans, LA, 5/19/1998.
16. **Lee TM, Chu M, Yang RD:** Impact of laparoscopic cholecystectomy on Endoscopic Retrograde pancreatography (ERCP) procedures at a large urban leading hospital: Ten year experience. Annual Meeting, American College of Gastroenterology, Boston, MA, 10/14/1998.
17. **Yang RD, Morrisett JD:** Biophysical properties of dielaidoylphosphatidylethanolamine. National Student Research forum, Galveston, TX, 1979.
18. **MacDonald RJ, Davis BD, Yang RD, Hammer RE:** T Antigen-induced exocrine pancreatic cancer in transgenic mice United State-Japan Cooperative Cancer Research Program. HI, 1989.

Russell David Yang, M.D., Ph.D.
USC Department of Medicine

Curriculum Vitae
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19. Wren SM, **Yang RD**, Peter JH, Berci G, Katkhouda N, Ortega AE, Cohen H, Laine L, Pablo PN, Carpenter C, Stain SC: The management of choledocholithiasis in the era and laparoscopic cholecystectomy. Society of American Gastrointestinal Endoscopic Surgeons Scientific Session, San Diego, CA, 3/21/1997–3/22/1997.

EXHIBIT 3

Office of Arnold Wax M.D. FACP*Medical Oncology & Hematology*

Pursuant to your request, I hereby submit the following report with respect to my review of this matter. A copy of my curriculum vitae is attached hereto. I am board certified in both internal medicine and oncology, and have been licensed to practice medicine in the State of Nevada since 1987. I have charged \$300/hour for my review. I have been supplied with the medical records of Kevin Rexford from numerous providers, and the deposition transcripts of Clifford Carroll, MD Jeffrey Krueger, RN, Kevin Rexford, Linda Veneman, MD, JoAnne Garcia, Brian Cronk, and Dipak Desai, MD. As you are aware, Kevin has been a patient of mine since January 31, 2006.

From my review it was determined that on October 27, 2004 Kevin presented to Hogan Medical Clinic with multiple symptoms of his right-sided cecum-colon cancer. At this time, Kevin was suffering from (1) constipation-change in bowel habit; (2) abdominal pain (right to center); and in the assessment/diagnosis, the entry appears to also note some (3) fatigue- although this latter entry is not completely legible. Labs were ordered and read the next day on October 28, 2004. At this time, his hemoglobin was within a normal reference range of 15.1 grams. His abdominal pain resulted in the Hogan Clinic ordering a plain film radiograph of his abdomen, which was completed shortly after this visit on November 3, 2004 and was read as normal.

In addition to all of the above referenced colon cancer symptoms, a November 1, 2004 fecal specimen reviewed by Quest Diagnostics revealed an additional sign of his right-sided colon cancer, the presence of occult (hidden) blood in his stool. For your understanding, and as an example, I have attached hereto the American Cancer Society publication of Signs & Symptoms of Colon Cancer which include (1) a change in bowel habits such as constipation, (2) blood in the stool, (3) abdominal pain, and (4) fatigue. It is my opinion that Kevin was suffering from early-curable stage III colon cancer at the time of these early evaluations.

As a result of his multiple colon cancer symptoms, Kevin was referred by the Hogan Clinic to the Gastroenterology Center of Nevada to evaluate his GI symptoms. Rather than be seen by the gastroenterologist assigned to perform his colonoscopy (Dr. Carroll) or any other gastroenterologist, Kevin described waiting in the Gastroenterology Center of Nevada waiting room for several hours (approximately 2 and 1/2 hours) before he was seen by a PA (Rexford Deposition: P. 99, L. 5). This is the same PA who referred Kevin to Dr. Carroll for his colonoscopy.

On December 6, 2004, Kevin was seen by this PA (Brian Cronk) at the Gastroenterology Center of Nevada. The note indicates that his abdominal pain was in the right side in the upper quadrant, was intermittent, and usually presented after meals. I noted that Kevin testified that the pain was more central to lower quadrant (P. 93:5). There is no history taken regarding the length

of time his abdominal pain had persisted, whether the symptom was new to Kevin, nor the intensity of the pain. The note also discussed his constipation, but the chart is incomprehensible, as it says: "He was having constipation however not during *this* time which has resolved with Citrucl." The chart also stated that he had a history of ulcer as a child, and that he had no family history of colon cancer. However, I noted that Kevin actually documented a family history of cancer in his intake forms, and he testified that his grandfather died of colon cancer (P. 98). Neither rectal examination nor hemoccult was performed to determine whether Kevin's GI bleeding persisted. Further, no CBC was repeated to determine the severity of, or whether his bleeding had persisted in the over one month since his labs were completed. In a young patient such as Kevin who is actively bleeding, and who was referred to a gastroenterologist for evaluation of multiple colon cancer symptoms, and other than for a screening colonoscopy, work up should have been done to evaluate his bleeding status. Kevin was allowed to continue to bleed.

The assistant believed that Kevin may have had cholelithiasis vs. dyspeptic type symptoms, and recommended the colonoscopy. Although his note indicates that an ultrasound was recommended, there were no records provided which indicated that this was completed, and the testimony makes clear that it was not done. (Rexford, P. 104, L.18). Further, there was nothing in the record indicating that Kevin was ordered or recommended to complete the test after it was apparent it was not done. It was noted that Dr. Carroll did not believe an ultrasound was indicated, and as a result, he did not request that the test be completed in follow up (P.93, L.21).

It was not until almost two months later, on January 28, 2005, that Kevin underwent his colonoscopy. For a young patient such as Kevin with multiple colon-cancer signs and symptoms, and non-prophylactic screening, this interval of time is not in the best interest of the patient, and it does not appear from the record that any urgency was placed upon the procedure being performed promptly. According to the testimony of Mr. Rexford and Dr. Carroll, this was the first time they had met each other. Dr. Carroll took no physical examination and history prior to the procedure (Carroll, P. 108, L. 13). It appears Kevin simply presented to Dr. Carroll for his colonoscopy, and that he did not meet Dr. Carroll until he was prepped and waiting in the operating room.

Dr. Carroll testified that while the chart of his PA is normally available to him at the time of his colonoscopy, he could not be certain that he saw the history and physical when he did the colonoscopy (P.191, L.23). A physician who is relying upon an assistant to perform a physical examination and history and who is following the patient needs to review the chart and critically determine if the recommendations and work-up are adequate. From the deposition testimony and records, the colonoscopy was started at 12:01, and completed at 12:09. The colonoscopy report findings state, "The entire examination was normal."

Although the written report says the "entire" exam was normal, there were two photographs of the rectum, one, which stated that the rectum is "normal", and a second, which stated that the rectum revealed "hemorrhoids." According to Dr. Carroll's testimony, he found some *non-bleeding* little skin tags during the procedure in the rectum (P. 133, L.18). It is

important to note that no history of bright red blood, which is usually present with hemorrhoids, nor other symptoms of hemorrhoids such as coating his stool, or on his toilet paper, or in the bowl, were ever reported. Even if his colonoscopy were complete and normal, *non-bleeding* small skin tags would not adequately explain his occult GI bleeding. Hemcpositive occult stool from GI bleeding more often than not comes from the right side of the colon (where Kevin's cancer was located) or the upper GI tract. There does not appear to have been any consideration to perform an upper GI or any further work-up to evaluate the cause of his bleeding.

Kevin continued to slowly and steadily bleed from his cecum-cancer without any repeat labs or any further workup. From a symptomatic standpoint, the patient will often compensate for the slow and steady blood loss. Neither prior to, nor at any follow up visit following the colonoscopy, did Dr. Carroll or his PA perform a digital rectal exam nor hemmoccult to determine whether or not Kevin's bleeding persisted. Hemmoroidal bleeding is usually on the left side of the colon, and the bleeding is often bright red, as there is little time for the blood to experience reabsorption. No record of such bleeding was ever made or found, either before, during, or after the colonoscopy. There was also no subjective history of this type of bleeding, and thus, his bleeding was not adequately explained by a diagnosis of little *non-bleeding* skin tags.

Unless I am missing records, it appears that Dr. Carroll never ordered interval lab work to determine whether his bleeding persisted at anytime. Despite a reported history of ulcers, no upper endoscopy was ordered either to determine if his bleeding was from this or another source. Dr. Carroll testified that Kevin never presented to any medical care provider with signs or symptoms of hemmoroidal bleeding (Carroll, P. 175, L.14).

Following the January 28, 2005 colonoscopy, Dr. Carroll first saw Kevin in follow-up over 2 1/2 months later on April 12, 2005. Dr. Carroll testified that this was the first time that he performed a history and physical of Mr. Rexford. (P.197, L. 6). Kevin described this April 12, 2005 consultation with Dr. Carroll as lasting less than 4-5 minutes. (P. 122, L. 4). Once again, no labs are ordered, despite the fact that labs had now not been done for 1/2 year or since October 28, 2004. Further, there was no rectal exam nor hemmoccult performed to evaluate his bleeding, nor examination or history taken with respect to alleged hemorrhoids. In the presence of a slow, steady GI bleed from cancer such as Kevin experienced, your body starts to compensate, and a patient often does not realize how bad they felt until their blood is replaced.

It does not appear that time was taken by Dr. Carroll to perform dictation for the first clinical consult he had with Kevin on April 12, 2005. The testimony made it clear that Dr. Carroll did not dictate a note for his April 12, 2005 consult. Despite the fact that Kevin had not been seen in clinic for over 4 months, Dr. Carroll did not take the time to list his medications since his last clinic visit of December 6, 2004. (P.198, L. 18). The use, discharge of use, schedule, and type of all medications a patient is using is important in understanding their clinical presentation. I agree with Dr. Carroll's LPN, especially in the patients first clinic setting with him, that it is careless and below the standard of care to fail to ask the patient what medications they are taking (Garcia, P. 102, L. 13).

On a single-page template of April 12, 2005, in a handwritten subjective complaint section of this visit, it was documented that Kevin's symptoms were "better" with Citrucel. Once again, there is no mention of the frequency, intensity, or duration in the subjective portion of the note, and there is no dictation. Kevin testified that he still had right lower quadrant pain at the time of this visit, and that it was explained to him by Dr. Carroll that it was likely caused by transient gas (P.125, L.7). There is no recognized medical diagnosis noted in the record either. I have reviewed the testimony of Dr. Carroll wherein he states that a report of "Better" symptoms on April 12, 2005, should be read as being synonymous with stating that his symptoms had "Resolved." (P.203:15, P.203, L. 20) I have also reviewed Dr. Carroll's deposition testimony that "improved" symptoms have the same meaning as "resolved" symptoms. I strongly disagree.

Given the fact that no work-up was done for Kevin's persistent bleeding and "better" symptoms, it appears that Dr. Carroll is taking the position that no work-up was necessary, because a report of "better" symptoms is synonymous with "no" or "resolved" symptoms. Common use of these terms in medical verbiage, review of a standard dictionary, and common sense, reveal the gross error in this position. Further, he appears to take the position that small non-bleeding skin tags adequately explained his occult GI bleeding, despite the absence of a single report consistent with hemorrhoids, nor evidence at any time of bleeding hemorrhoids, and that no work-up was necessary to rule out the most dangerous and most serious problem suggested, i.e. cancer.

As a result of the failure to order any work-up to explain his continued bleeding and "better" symptoms, and the failure to detect Kevin's colon cancer during the colonoscopy, Kevin was sent home in April 2005 with the belief that his bleeding and "better" abdominal symptoms were not life threatening, and needed no further evaluation. There was neither recommendation nor plan that he have any further work up. As a result, his colon cancer continued to bleed, and his cancer continued to grow and spread, to the point that he was hospitalized for severe anemia (loss of red blood cells) approximately seven (7) months later on December 2, 2005 at North Vista Hospital. Again, Kevin had been slowly and steadily bleeding from his cecum colon cancer since his October 2004 occult-blood finding. It is notable that his hospitalization for his bleeding colon cancer came just 10 months after his colonoscopy.

To give you an understanding of the resultant blood loss from his at least approximate 13 months of active bleeding, he was noted to have hemoglobin of 15.1 grams when his labs were ordered by Hogan Clinic on October 28, 2004. With no interval labs ordered despite persistent bleeding, he was noted to have dropped to a hemoglobin of 5.4 grams on December 2, 2004 when his labs were first repeated. This drastic change in hemoglobin did not happen instantly, and interval labs likely would have revealed the loss. To help you understand, the normal reference range as noted in the record for hemoglobin is between 13.0 to 18.0 grams. As stated above, the body will compensate for a slow and steady bleed such as that experienced by Kevin, and this is why a thorough work-up is critical for a young patient with a history of multiple colon cancer symptoms and positive occult GI bleed. As a result of his severe anemia, he was immediately recommended for admission to North Vista Hospital. He was discharged from North Vista Hospital after receiving blood transfusions, and with instruction to follow-up with Dr. Carroll as an outpatient for a capsular endoscopy.

On December 14, 2005 Kevin re-presented to Dr. Carroll's office. From the testimony, it was learned that Dr. Carroll is both part owner of and a practicing physician in the Gastroenterology Center of Nevada. Rather than see Dr. Carroll, or the PA he had initially seen, or any other M.D. in the group, this time Kevin was seen by nurse practitioner Joanne Garcia. Of the three clinic visits Kevin had at this point, he saw three different providers, and this lack of continuity in his care contributed to the failures noted herein. The nurse practitioner note indicates that Kevin was last seen by Dr. Carroll for his right lower quadrant pain, and was advised to use Citrucel. Dr. Carroll testified that Citrucel can relieve symptoms of abdominal pain (P. 188, Line 5). In deposition, Ms. Garcia described that Kevin was last seen by Dr. Carroll in April 2005 for his right lower quadrant pain and was advised to use Citrucel (P.67, L.1). Her note is contrary to the testimony of Dr. Carroll that Kevin's pain was completely "resolved" at the time of the April 2005 visit. Ms. Garcia scheduled the video-capsule endoscopy, which was done on January 5, 2006, and read by Dr. Carroll on January 16, 2006.

The first capsule report of Dr. Carroll erroneously stated that it was a "negative exam." Thereafter, he authored an "Addendum" report to correct this error, and noted that there was an area of friability at 5 hours 32 minutes of uncertain etiology. His initial report indicated that the capsule passed into the cecum approximately 2 hours earlier at 3 hours and 30 minutes. His testimony suggested that the capsule sitting in the cecum for a prolonged period explains the difference of two hours. Nonetheless, the mass was described as appearing "in the right lower quadrant and may be colonic in etiology." As a result of this finding, a repeat colonoscopy was scheduled and performed by on January 20, 2006.

The January 20, 2006 colonoscopy revealed the presence of his colon cancer. On the same date, the pathologist indicated that the mass involved only moderately differentiated adenocarcinoma within the cecum. Shortly thereafter, further work-up revealed that Kevin's cancer, which had been progressing without any form of intervention, had unfortunately reached the most advanced stage. Once detected, Kevin's cancer was at an end-incurable stage.

On the same date, January 20, 2006, Kevin was seen by Desert West Surgery to discuss surgical intervention. On January 27, 2006, James Economou of UCLA saw him for further opinion. Approximately one week later, I first saw Kevin as a patient on January 31, 2006. James Economou, M.D. of UCLA, referred him to me. I would refer to my note of this date for the details of this and other visits to me. Unfortunately, due to the failures discussed herein, and anticipated to be discussed by your gastroenterology expert, when Kevin was first staged, his cancer had already progressed to a highly advanced incurable end Stage IV. His TNM markers were as follows when first diagnosed: T4, N2, M1. To understand, this is the most advanced stage of progression of this disease with no appreciable chance of survival. The disease had spread to his liver, omentum, and peritoneum. It is unfortunate that his disease was allowed to progress for in excess of 1 year without any intervention. The median survival rate for this advanced stage cancer is approximately 21-24 months.

Due to his history of GI bleed, I performed a simple rectal examination in my office on January 31, 2006, which revealed briskly guaiac positive stool, that is, he was continuing to

bleed. There was absolutely no evidence of hemorrhoids from my examination, nor from the history I obtained from Mr. Rexford. As a result of his continued GI bleeding, he was contraindicated for the protocol chemotherapy with Avastin. Thus, we recommended surgery first to stop the bleeding, with chemotherapy to follow. He underwent surgery at Summerlin Hospital on February 11, 2006 wherein further progression of his disease was discovered. Kevin continues to be a patient of mine. I would refer you to my various notes of treatment to detail his care. Following aggressive chemotherapy and surgery, Kevin unfortunately continues with cancer in the lungs, liver and abdominal wall, and once again, is undergoing chemotherapy.

Based upon my review of the medical records and testimony, I have formed the opinion that Dr. Carroll fell below the standard of care in the following manners:

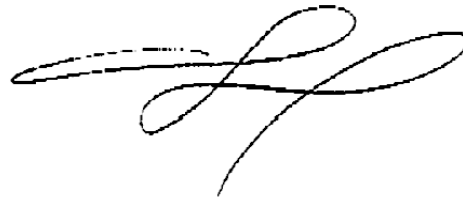
1. Failing to adequately monitor and utilize the PA and failing to order any work-up to determine the persistence of Kevin's bleeding.
2. Failing to adequately explain Kevin's persistent bleeding, especially in the absence of any subjective or objective evidence of hemorrhoidal bleeding at any time.
3. Failing to adequately explain Kevin's abdominal pain and constipation-change in bowel habit.
4. Failing to detect the existence of Kevin's cecum-colon cancer
5. Failing to conduct appropriate work-up to rule out the most serious condition from which Kevin suffered, and which his symptoms suggested, i.e. cancer.

Unfortunately, and due to the multiple failures in his medical care, at the time of first detection, Kevin's cancer had progressed to an incurable stage IV. To a reasonable degree of medical probability, I believe that irrespective of his response to current therapy, Kevin will die from his disease before January 20, 2011. To understand, the five-year survival for persons such as Kevin is only approximately 8%. Further, with appropriate and timely detection, it is my opinion that Kevin would have had an approximate 78% -88% chance of survival from his disease. The basis for my opinion regarding his chance of survival includes my years of clinical experience in treating this disease at various stages, the natural history of his particular disease, my review of the medical records and findings, with the absolute numbers being generated by the Adjuvant On Line Data Base. Allowing his disease to progress without any intervention for in excess of an entire year tremendously reduced his chances of survival. The lack of continuity in care, and rapid encounters appear to have contributed to the multiple failures discussed herein. There was no history of symptoms consistent with end-stage IV cancer at the time of Kevin's early presentations. I do agree with Dr. Carroll that Kevin did not have metastasis liver cancer at the time he performed his first colonoscopy (P.106, L. 20).

I noted that Dr. Carroll testified that he believed Kevin's cancer could have been a new cancer that simply came about sometime after his January 28, 2005 colonoscopy, or was simply a small cluster of cancer cells that possibly weren't visible via colonoscopy. (P.240, L. 22). While I agree the cancer was earlier staged, I strongly disagree with his contention of a new cancer. It is my opinion that a small cluster would not have caused his occult bleeding and constellation of colon cancer symptoms, (abdominal pain, change in bowel habit, constipation, FOBT+) and we know that this was not a new or aggressive anaplastic colon cancer either.

At the time of Kevin's early evaluations, he was not anemic, as he was more likely than not in the earlier (Stage II-III A) stages of his disease with a tremendously higher chance of survival. A report of intermittent abdominal pain getting worse after meals is not consistent with liver metastases. There was never a report of pain with respiration, and the pain was not reported as constant or severe. Other than the PA note, all of his abdominal pain symptoms appear to have been documented as right lower quadrant. Further, the significant passage of time without any intervention contributed to the progression of his disease, and Kevin did not have a highly aggressive tumor. In this regard, genetic testing performed by my office revealed that Kevin had a less aggressive form of cancer without micro satellite instability. Kevin unfortunately went in excess of an entire year with no intervention to address his cancer.

All of the opinions stated herein have been to a reasonable degree of medical probability. Further, all opinions as to the failures in care herein including the failure to conduct work-up are, to a reasonable degree of medical probability, a deviation from the standard of care. It is further my opinion that these failures dramatically reduced a more likely than not chance of Kevin surviving his disease, and achieving a normal life and work-life expectancy.



ARNOLD WAX, MD FACP

Signs and Symptoms of Colorectal Cancer

If you have any of the following you should check with your doctor for prompt diagnosis and treatment:

- a change in bowel habits, such as diarrhea, constipation, or narrowing of the stool, that lasts for more than a few days
- a feeling that you need to have a bowel movement that is not relieved by doing so
- rectal bleeding or blood in the stool (often, though, the stool will look normal)
- cramping or steady abdominal (stomach area) pain
- weakness and fatigue

EXHIBIT 4

CURRICULUM VITAE
Arnold Wax, M.D., FACP

PROFESSIONAL PROFILE:

Present	Private Practice Medical Oncology/Hematology <i>4431 S. Eastern Avenue, Ste. 1</i> <i>Las Vegas, Nevada 89119</i> <i>(702) 369-4604 Phone</i> <i>(702) 732-4910 Fax</i>
09/98 – 09/06	Comprehensive Cancer Centers of Nevada Formerly known as Southwest Cancer Clinic and Nevada Radiation Oncology Center <i>9280 W. Sunset Road, Ste. 100</i> <i>Las Vegas, NV. 89148</i> <i>(702) 952-1251 Phone</i> <i>(702) 952-1241 Fax</i>
09/97 – 09/98	Private Practice, Medical Oncology/Hematology <i>3920 S. Eastern Avenue, #202</i> <i>Las Vegas, Nevada 89119</i>
09/94 – 09/97	Nevada Cancer Center <i>3920 S. Eastern Avenue, #202</i> <i>Las Vegas, Nevada 89119</i>
09/91 – 09/94	Private Practice, Medical Oncology/Hematology <i>3920 S. Eastern Avenue, #202</i> <i>Las Vegas, Nevada 89119</i>
09/89 – 09/91	Private Practice, Medical Oncology/Hematology <i>3006 S. Maryland Parkway</i> <i>Las Vegas, NV 89109</i>

09/87 – 09/89 **Private Practice, Medical Oncology/Hematology**
Cancer and Hematology Center of Nevada
Las Vegas, Nevada

09/86 – 09/87 **Medical Oncologist/Hematologist**
Frank B. Lane and Associates
Tampa, Florida

09/85 09/86 **Medical Oncologist/Hematologist**
Cigna Healthcare
Los Angeles, California

09/81 – 09/85 **Medical Oncologist/Hematologist**
Grand Forks Clinic
Grand Forks, North Dakota

EDUCATION:

State University of New York at Buffalo
Degree, Doctor of Medicine
Buffalo, New York
Conferred: 06/1976

Columbia University
Bachelor of Sciences, Pharmaceutical Sciences
New York, New York
Graduated "Cum Laude" 1971

RESIDENCY:

07/77 – 06/79 **Millard Fillmore Hospital**
Buffalo, New York

INTERNSHIP:

07/76 – 06/77 **Millard Fillmore Hospital**
Buffalo, New York

FELLOWSHIP:

07/79 – 06/81 **University of Rochester Cancer Center**
Strong Memorial Hospital
Rochester, New York

EXAMINATIONS:

National Board of Medical Examiners
Diplomat

American Board of Internal Medicine
Diplomat

American Board of Internal Medicine
Subspecialty of Medical Oncology
Diplomat

**American Board of Quality Assurance &
Utilization Review Physicians**
Diplomat

American Academy of Pain Management
Diplomat

PROFESSIONAL APPOINTMENTS:

2006-2007 **Member**
Medical Executive Committee
Southern Hills Hospital
Las Vegas, Nevada

2006-2007 **Past Chief of Staff**
Southern Hills Hospital
Las Vegas, Nevada

2004-2005 **Chief of Staff**
Southern Hills Hospital
Las Vegas, Nevada

2004-2005 **Chairman**
Medical Executive Committee
Southern Hills Hospital
Las Vegas, Nevada

2004-2005 **Member, Board of Trustees**
Southern Hills Hospital
Las Vegas, Nevada

2003-2004 **Past Chief of Staff**
Southern Hills Hospital
Las Vegas, Nevada

2003- Present **Member, Medical Executive Committee**
Southern Hills Hospital
Las Vegas, Nevada

2002-2004, 1989-2001 **Member, Board of Trustees**
Clark County Medical Society
Las Vegas, Nevada

1999-2003 **Governor, The American College of Physicians**
Nevada

1999-2000 **Member, Board of Trustees**
Sunrise Hospital
Las Vegas, Nevada

1998-1999 **Governor Elect, The American College of Physicians**
Nevada

1997-2001 **Vice President, The Nevada Oncology Society**
Las Vegas, Nevada

1997-2001 **Treasurer, Clark County Medical Society**
Las Vegas, Nevada

1995-2005 **Delegate, The Pharmacopoeia Convention**
Representative of Nevada State Medical Association

1991-2002 **Member, Medical Executive Committee**
Sunrise Hospital, Las Vegas, Nevada
Member in many capacities including:
Chief of Quality Care, Chief of Internal Medicine,
Member at Large and Ex-Chief of Staff

1988-1992 **Medical Director, Nathan Adelson Hospice**
Las Vegas, Nevada

ACADEMIC APPOINTMENTS:

1982-1985 **Clinical Assistant Professor of Medicine**
University of North Dakota School of Medicine
Grand Forks, North Dakota

1982-1983 **Director Internal Medicine Program**
University of North Dakota
Family Practice Residency Program
Grand Forks, North Dakota

1979-1981 **Instructor of Medicine**
University of Rochester
Rochester, New York

1977-1979 **Clinical Assistant Instructor of Medicine**
State University of New York at Buffalo,
School of Medicine
Buffalo, New York

HONORS:

2000, 2001, 2002, 2003, The Best Specialty Doctors in Las Vegas
2004, 2005, 2006, 2007 *"Las Vegas Life" Magazine*

1996, 1997, 1998, 2000 Distinguished Gentlemen in Southern Nevada
2002, 2003

1996, 1999, 2002, 2003 The Best Doctors in America, Pacific Region
2005, 2006

1998-Present The National Registry of Who's Who

1998-Present Who's Who in Medicine

1998-Present Who's Who in the World

1998- Present Who's Who in America

1979 Elected Member-Rho Chi Honor

1971 Who's Who in American Colleges & Universities

1971 Bronze Medal-Alumni Association of Columbia University

AWARDS:

1979, 1982, 1985, 1988 Physician Recognition Award, American Medical
Association

1979 Postdoctoral Fellowship Award, American Cancer Society

1979 Postoloff Award, Millard Fillmore Hospital

PUBLICATIONS:

McCusker, J., Wax, A., Bennett, J.M.,
"Cancer Patient Accessions Into Clinical Trials: A Pilot
Investigation into some Patient and Physician
Determinants of Entry", published in the American
Journal of Clinical Oncology, April 1982.

Gollard, R., Kosty, M., Bordin, G., Wax, A., Lacy, C.,
"Two Unusual Presentations of Mullerian Adenosarcoma:
Case Reports, Literature Review, and Treatment
Considerations", Published in Gynecologic Oncology,
59, 412-422 (1995).

Hughes, J., Venger, B., Wax, A., Glyman, M., Blake, L., Hill, A.,
"Sclerosing Rhabdomyosarcoma of the Temporal Region: An
Unusual Site of Origin for a Recently Described, Rare Variant of
Rhabdomyosarcoma"
Published in NNI Journal Vol 2 Issue 1 p. 16
January 2006

Burris, H., Rivkin, S., Reynolds, R., Harris, J., Wax, A., Gerstein,
G., Mettinger, K., Staddon, A., "Phase II Trial of Oral Rubitecan
in Previously Treated Pancreatic Cancer Patients"
Published in The Oncologist Vol 10 Issue 3 p. 183
March 2005

RESEARCH GROUPS:

Investigator: US Oncology Clinical Trials Group
Investigator: S. Nevada Cancer Research Foundation
Investigator: Pharmatech Research Management Group
Investigator: UCLA Research Network
Investigator: Translational Oncology Research Institution

Past:

Junior Investigator Eastern Cooperative Oncology Group
Investigator: Gynecologic Oncology Group
Investigator: Eastern Cooperative Oncology Group
Investigator: North Central Cancer Treatment Group
Investigator: Southwest Oncology Group

ONCOLOGY RESEARCH AT MAYO CLINIC, ROCHESTER, MINNESOTA:

Urology Committee, Member

Hematology Committee, Member
Lung Cancer Committee, Member

PROFESSIONAL ORGANIZATION MEMBERSHIPS:

Present

American Medical Association
American College of Physicians
American Society of Clinical Oncology
Affiliate, American Society of Therapeutic Radiology & Oncology
Nevada State Medical Society
Clark County Medical Society
Nevada Peer Review Organization

Past

American Association for Cancer Chemotherapy
Third District Medical Society (North Dakota)
North Dakota State Medical Association
North Dakota State Peer Review Organization
Medical Advisor Field of Medical Oncology
North Dakota Health Care Review Organization
Professional Foundation for Health Care (Florida)
Delegate member Association of Community
Cancer Centers, Grand Forks, North Dakota

COMMUNITY ACTIVITIES:

“I Can Cope” Cancer Support Group, Sponsored by the
American Cancer Society, Las Vegas, Nevada.

“I Can Cope” Cancer Support Group, Sponsored by the American
Cancer Society, Tampa, Florida.

“I Can Cope” Cancer Support Group, Sponsored by the American
Cancer Society, Thief River Falls, Minnesota.

Member – University of Nevada Las Vegas Foundation

Member – Nevada Dance Theater

Member – Nevada Opera Theater

Member – Nevada Institute of Contemporary Art

Member – Lied Museum

Member – Allied Arts Council

Member – James Platt White Society,
University of Buffalo Foundation

COMMITTEES:

1996-2002	Clark County Medical Society, Chairman Professional Standards Committee
1999-2000	Sunrise Hospital, Chairman Medical Executive Committee
1993-2000	Nevada State Medical Association Medical Legal Screening Panel
1993-1994	Sunrise Hospital, Chairman Medical Quality Care Committee
1988-1992	Nathan Adelson Hospice, Chairman Executive Committee

COMMITTEES:

Past	Sunrise Hospital, Member Bioethics Committee
Past	Sunrise Hospital, Member Pharmacy and Therapeutics Committee
Past	Sunrise Hospital, Member Utilization Review Committee
Past	Sunrise Hospital, Member Cancer Committee
Past	Sunrise Hospital, Member Tumor Board Committee
Past	Nathan Adelson Hospice, Member Pharmacy and Therapeutics Committee
Past	Nathan Adelson Hospice, Member Quality Assurance Committee
Past	Nathan Adelson Hospice, Member Infection Control Committee

- Past Desert Springs Hospital, Member
Bioethics Committee
- Past Desert Springs Hospital
Pharmacy and Therapeutics Committee (Chairman)
- Past American Cancer Society, Member
Professional Education Committee

CASE LIST

Archer v Chaudhry: deposition and court appearance as treating physician and plaintiff expert

Livingston v West Valley Imaging: deposition as plaintiff expert and treating physician

Watson v Licata and Caplowe: deposition and court appearance as defense expert

Grossman v Alamo/Croke/Nath: deposition as treating physician and plaintiff expert

Sampley v Zweibach: deposition as treating physician and plaintiff expert (filed in Texas), testimony at trial

Morales v RJ Reynolds: deposition as defense expert

Mullen v Boruszak: deposition as treating physician

Poon v DiGregorio: deposition and 2 court appearances as a treating physician and defense expert

Floyd v Kleinman: deposition as defense expert- settled

Ford v Ellerton: defense expert- settled

Templeton v Wingard et al: deposition and testimony at trial as plaintiff expert

Lesniak v Nyamuswa: named as defense expert

Gressor v West Valley Imaging: pending

Various other cases resulting in record reviews with filing of reports but no further action on my part.

EXHIBIT 5



JOSEPH J. SCHIFINI, M.D., LTD

*Diplomate of the American Board of Anesthesiology
Practice of Anesthesiology and Pain Medicine*

526 S. Tonopah Dr.
Suite #160
Las Vegas, NV 89106
Office: (702) 870-0011
Fax: (702) 870-1144

I have been asked to review the anesthesia billing for accuracy, and to determine, on a more likely than not basis, the time it would reasonably take for Mr. Rexford to be ready for insertion of a colonoscope following the administration of a combination of intravenous propofol and lidocaine. For this purpose, I have done the following:

1. Reviewed the Endoscopy Center Records related to the Procedure
2. Obtained the Weight for Mr. Rexford
3. Reviewed the Deposition Testimony of Clifford Carroll, MD
4. Reviewed the Deposition Testimony of Ronald Lakeman, CRNA
5. Reviewed the Deposition Testimony of Jeff Krueger, RN
6. Spoke with Mr. Kevin Rexford regarding the procedure
7. Spoke with another anesthesia provider who frequently provides sedation for endoscopy procedures.

On January 28, 2005 Mr. Kevin Rexford underwent a colonoscopy at the Endoscopy Center of Southern Nevada. According to the nursing record, the subject procedure started at 12:01 pm and ended at 12:09 pm. Nurse Krueger testified that he customarily documents the start time with the first administration of sedation. (Page 74, Line 13 through Page 74, Line 21). Further, nurse Krueger testified that he documents the end time when the scope is taken out of the patient. According to the monitor strip, the monitors were taken off of the patient in the operating room at 12:09.

At 12:11 pm, the patient was going into the recovery room to be monitored by the recovery nurse (Krueger, Page 78, Line 24; and Page 81, Line 7). This appears consistent with the monitoring strip from the recovery room which then begins at 12:14 pm. At 12:16, the intravenous catheter was removed from Mr. Rexfords' arm, and at 12:26, he was ready for discharge from the recovery area. (Page 84, Line 1, and Page 84, Line 21).

The anesthesia was provided by Gastroenterology Center employee-CRNA-Ronald Lakeman. According to his anesthesia record, he documented 31 minutes of anesthesia time. He defined his anesthesia time as beginning when he documents the first vital sign from the monitor (Page 90, Line 2; and Page 90, Line 22) and ending when the patient is taken to the recovery room (Page 90, Line 7).

Mr. Lakeman testified that a typical work-day during that time would be from 7a.m. to approximately 4 pm. (Page 18, Line 2). He further testified that he would typically provide anesthesia for approximately twenty-five (25) procedures each day (Page 19, Line 6). The most he had done in a day was somewhere between twenty-five and thirty (25-30) (Page 20, Line 9).

I find it highly unlikely that thirty-one (31) minutes of anesthesia time was utilized for this short, eight (8) minute procedure. For example, Ronald Lakeman, CRNA indicates that he was monitoring the patient twenty minutes *after* the intravenous catheter was documented as being discontinued by the recovery nurse. I would imagine that Mr. Rexford's procedure was one of the shortest of the day, (a total of only eight minutes including sedation time); however, I do not have the records of the other procedures performed that day to confirm this. Nonetheless, for example, if his 31 minutes was an accurate time, and this was a typical day of 25 procedures as he testified, and a typical anesthesia time, this would mean that Mr. Lakeman had billable charges totaling approximately 13 hours of anesthesia time on January 28, 2005. This would not include the additional time he spent for his lunch break, nor the additional down time between each procedure for restroom breaks. This would also not take into account procedures that took longer than eight minutes. When taking these into consideration, this would mean that Mr. Lakeman, if he started at 7:00 a.m., would not have been done until 8pm or even later, even if he took no lunch break, no restroom break, and had no time between procedures.

It is important to understand that for billing purposes, anesthesia time is billed to the patient in units, with each unit measuring 15 minutes, according to the American Society of Anesthesiologists. If anesthesia time truly exceeds a fifteen minute time frame (unit), by even a single minute, the entire next successive 15 minute time frame is then billed to the patient. Thus, by claiming that Kevin needed 31 minutes of anesthesia time, the Center was allowed to bill Mr. Rexford for three separate 15 minute time frames (units). From my review, it appears highly unlikely that more than 14-18 minutes of anesthesia time was utilized considering that the patient was stable enough to have his catheter removed at 12:16pm. It is important to note, these time units do not include the number of units assigned by the American Society of Anesthesiologists to begin an anesthetic administration.

Dr. Carroll testified that Propofol only takes approximately 10-15 seconds before the patient is ready to start the procedure. (Page 124, Line 20). I assume that he is excluding the time that it takes to draw up and administer the medication, whether that be one syringe of Propofol or more, and that this is simply a guesstimate. He further testified that he waits until the patient is non-responsive to questioning, and the patient is asleep, before he starts the procedure. (Page 125, Line 1-5). He further testified that before he starts the procedure, he lubricates the area, and also performs a visual inspection of the perianal area. (Page 125, Line 13).

Mr. Lakeman testified that there is only 100 milligrams of Propofol in each vial that he uses (Page 43, Line 1), and that he typically mixes the first injection with about 30 milligrams of Lidocaine (Page 43, Line 12). Depending on the concentration of Lidocaine utilized in the mixture, the first syringe either contained only 70mg or 85mg of Propofol. To start the procedure, he injects the first 100 milligrams (Page 45, Line 22). He believes he used a 22 gauge catheter (Page 47) which he agrees is a small catheter, typical of an outpatient setting. He further testified that he was using an 18 gauge needle and 10cc syringe. (Page 48, Line 24). He also confirmed that frequently patients will experience a burning sensation at the administration site with Propofol (Page 49, Line 8). Lidocaine is commonly mixed with Propofol to decrease the incidence or intensity of this burning sensation.

Kevin Rexford was noted to be young (43 years old) and 220 lbs (100 kilograms) at the time of the colonoscopy. It typically takes 2 to 2.5 milligrams per kilogram to adequately sedate the patient for the procedure. *Pharmacology and Physiology in Anesthetic Practice*, Second Edition, Chapter 6, Page 143, Robert K. Stoelting, M.D. Thus, it would take, in my opinion, the administration of approximately 200 to 250 mg of Propofol to adequately sedate the patient for the procedure. To safely administer the first syringe, containing between 70 and 85 mg of Propofol, in my opinion, would take approximately 30 seconds, considering patient comfort from the burning sensation and the small intravenous catheter size. According to Kevin, he recalls a burning sensation during the first dose which he reported to the CRNA, and he recalls the CRNA drawing up the second syringe of Propofol, and administering the same to him, and then Kevin has no further memory of the procedure. This is consistent in my experience and estimates with a 220lb (100 kilogram) young man such as Mr. Rexford.

Further, Mr. Lakeman confirmed that after the first 100mg dose, he will administer the second if the patients' eyes are open, they are talking, and especially in younger people (Page 64, Line 6). More likely than not, it would have taken a total of approximately 45 seconds just to administer the two 10cc syringes, not including the time (approximately 10-15 seconds) that it took to draw up the second syringe, which requires withdrawing another 10 cc of Propofol from a glass vial. The second dose can be administered more quickly due to the fact that the patient is partially sedated and the vein was previously exposed to lidocaine. Once administered, I believe it would take an additional 20 to 40 seconds before the medication would adequately sedate the patient for the procedure, considering circulation time from a distal extremity to the central circulation and heart and finally to the brain for its sedative effects. Furthermore, Mr. Lakeman testified that he will slow down his administration of the medication when a patient, (as it happens frequently) reports a burning sensation upon administration. It is reasonable to conclude that the administration of at least the initial dose would have been performed at a slower than normal pace for patient comfort.

It must be understood that there are many other factors that must be taken into consideration and that the scope is not immediately inserted immediately after the medication is administered. In fact, Dr. Carroll testified that he takes additional time before inserting the scope, to ask questions of the patient, and to make sure the patient is non-responsive. Further, before insertion, he lubricates the rectal area. When all of these factors are taken into consideration, (administration time for two 10cc syringes, including slowing for burning sensation experienced by the patient; time for the medication to travel to the brain; time to verbally and visually assess the patient, time to lubricate, time to perform visual inspection of perianal area, and time to adjust the scope for insertion) it would reasonably take between 1.5 to 2.5 minutes from the initial administration of the first 10cc syringe before the colonoscope is actually inserted. This estimate would assume that Dr. Carroll was working briskly, and that there were no other factors which could have slowed the process such as a question any OR team member had, nor any other conversation or issue which may have occurred before insertion.

My opinions are stated to a reasonable degree of medical probability, and are based upon my training, which includes 11 years of experience as an anesthesiologist in the administration of sedation. I confirmed my opinions with another anesthesia provider who frequently provides sedation for endoscopy procedures. I have attached a copy of my curriculum vitae.

Sincerely,



Joseph J. Schifini, M.D.

EXHIBIT 6

Rev 01/08

CURRICULUM VITAE

Joseph John Schifini, M.D.

Personal Data:

Birthdate: June 16, 1967

Birthplace: Hawthorne, California

Medical Licensure: Nevada - 8071
California - G80849
DEA - BS5160659
Pharmacy - NV - CS8551

Board Certification: American Board of Anesthesiology
Certified 4/99
American Academy of Pain Management
Certified 11/99

Practice History:

2/99	-	Present	Joseph J. Schifini, M.D., Ltd. Las Vegas Pain Control Associates 526 S. Tonopah Drive, Suite #160 Las Vegas, NV 89106
10/98	-	8/99	Summit Anesthesia Pain Relief Associates (Chief of Pain Management Division) 2200 Rancho Drive, Suite 116 Las Vegas, NV 89102
7/97	-	10/98	Pain Institute of Nevada 4500 West Oakey Blvd. Las Vegas, NV 89102

Current Hospital Affiliations:

9/97	-	Present	Sunrise Hospital Medical Center 3186 So. Maryland Pkwy. Las Vegas, NV 89109 Status: Active
12/97	-	Present	University Medical Center 1800 West Charleston Blvd. Las Vegas, NV 89102 Status: Active

Current Hospital Affiliations (cont.)

1/98	-	Present	St. Rose Dominican Hospital 102 East Lake Mead Drive Henderson, NV 89015 Status: Courtesy
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9/00	-	Present	Valley Hospital Medical Center 620 Shadow Lane Las Vegas, NV 89106 Status: Active
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9/00	-	Present	Siena Hospital Medical Center 3001 St. Rose Parkway Henderson, NV 89052 Status: Courtesy
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Education:

7/94	-	6/97	University of California, Irvine Medical Ctr Orange, California Anesthesiology Residency & Chief Resident-Anesthesiology
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7/93	-	6/94	University of Nevada School of Medicine Las Vegas, Nevada Internship - Internal Medicine
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1989	-	1993	University of Nevada School of Medicine Reno, Nevada Doctor of Medicine
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1985	-	1989	University of Nevada, Las Vegas Las Vegas, Nevada BS-Biology and Minor-Chemistry
------	---	------	--

Academic Positions:

8/97	-	Present	University of Nevada School of Medicine Assistant Clinical Professor Department of Anesthesiology
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7/06	-	Present	Touro University Assistant Clinical Professor
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Memberships/Professional Affiliations:

American Society of Anesthesiology
Nevada State Society of Anesthesiology
International Spine Intervention Society
American Academy of Pain Management

Awards:

January 1991, Best Presenter Award for "Effects of Caffeine on Human Lower Esophageal Sphincter and Esophageal Body Dynamics". Presented at the Second Annual George G. Bierkemper Student Research Convocation. University of Nevada School of Medicine. Reno, NV.

May 1991, University of Nevada School of Medicine Department of Physiology Research Grants awarded for "Effects of Caffeine on Human Lower Esophageal Sphincter and "Esophageal Body Dynamics" and Effects of Somatostatin Analogue on the Normal Human Esophagus".

Presentations:

Jan.	1991	Second Annual George G. Bierkemper Student Research Convocation Reno, Nevada "Effects of Caffeine on Human Lower Esophageal Sphincter and Esophageal Body Dynamics".
Feb.	1991	Nineteenth Annual Western Student Medical Research Forum Carmel, California "Effects of Caffeine on Human Lower Esophageal Sphincter and Esophageal Body Dynamics".
Sept.	1992	Seventh Biennial American Motility Society's International Symposium Lake Tahoe, California "Caffeine Stimulates the Normal Human Esophagus"
June	1997	Eleventh Annual Low Back Pain Conference Las Vegas, Nevada "Epidural and Selective Nerve Root Injections"
June	1998	Twelfth Annual Low Back Pain Conference Las Vegas, Nevada "Facet and other Spinal Injections"
June	2000	Fourteenth Annual Low Back Pain Conference Las Vegas, Nevada "Spinal Injections" and "Opiates"
June	2002	Sixteenth Annual Low Back Pain Conference Las Vegas, Nevada "Facet and other Spinal Injections"
June	2003	Seventeenth Annual Low Back Pain Conference Las Vegas, Nevada "Spinal Injections" and "Opiates"
February	2004	American College of Physicians Governors Conference Las Vegas, Nevada "Pain Management"

Instructional Courses Attended:

Aug 1996 Radiofrequency Techniques in the Management of Chronic Pain.
May 1999 IntraDiscal Electrothermal Therapy.

Articles in Publication:

Gunsheski, L.A., Rifeley, W.J., Slattery, D.E., Schifini, J.J., Hartsuck, M.E., Little, A.G. "Somatostatin Stimulation of the Normal Esophagus". AM J Surgery, 163:59-62. Jan 1992.

Abstracts:

Hartsuck, M., Slattery, D., Schifini, J., Gunsheski, L., Little, A. "Nicotine Inhibits Esophageal Function in Smokers and Nonsmokers". Clinical Research, 39(1):p115A. Feb. 1991.

Slattery, D.E., Schifini, J.J., Hartsuck, M.E., Gunsheski, L.A., Little, A.G. "Effects of Somatostatin Analogue on the Normal Human Esophagus". Clinical Research, 39(1):p19A. Feb. 1991.

Schifini, J., Hartsuck, M., Slattery, D., Gunsheski, L., Little, A. "Effects of Caffeine on Human Lower Esophageal Sphincter and Esophageal Body Dynamics". Clinical Research, 39(1):p115A. Feb. 1991.

Slattery, D.E., Hartsuck, M.E., Schifini, J.J., Little, A.G. "Nicotine and Esophageal Motor Function". Gastroenterology, 103(4):p1412. Oct. 1992.

Schifini, J.J., Slattery, D.E., Hartsuck, M.E., Little, A.G. "Caffeine Stimulates the Normal Human Esophagus". Gastroenterology, 103(4):p1411. Oct. 1992.

J.J. SCHIFINI, M.D. Testimony List



Name	ITEM
Alonzo Horton	Deposition
Barbara Watson	Deposition
James D. Elkins	Deposition
Barbara Kolb	Arbitration
Randy Berger	Deposition
Bertha Pozo	Trial Appearance
Richard Silva	Trial Appearance
Kim Myung	Deposition
Donald Foster	Deposition
Natalie Schaffer	Deposition
Alicia Bradford	Trial Appearance
Donald Foster	Trial Appearance
Cynthia Curd	Deposition
Michael Darrett	Deposition
Jose Castro	Deposition
Kara Thaw	Deposition



<i>Name</i>	<i>ITEM</i>
Marco Centeno-Alvarez	Deposition
Joseph Hill	Trial Appearance
Sandra Dagele-Dillard	Deposition
Robert Langdon	Deposition
Clarissa Lipski	Deposition
John Hicks	Deposition
David Clark	Deposition
Nathan Ward	Deposition
Rose Ringer	Deposition
Yolanda Corbori	Deposition
Ryan Caparida	Deposition
Marco Centeno-Alvarez	Trial Appearance
Lisa Peterson	Deposition
Craig Retke	Deposition
Kathy Wilson	Deposition
Patricia Merckling	Deposition

EXHIBIT 7

ARTHUR S SHORR & ASSOCIATES, INC.

Consultants to Health Care Providers

February 27, 2008

Daniel E. Carvalho, Esq.
Rogers, Mastrangelo, Carvalho & Mitchell
Bank of America Plaza
300 S. 4th Street
Suite 710
Las Vegas, NV 89101

RE: Rexford v. Endoscopy Center of Southern Nevada, et al

Dear Mr. Carvalho:

Thank you for asking me to review this matter. My qualifications to do so are as follows:

I am Board Certified in Health Care Administration and am a Fellow of the American College of Healthcare Executives. I have been a Health Care Professional for more than 30 years, having held senior executive positions in University-affiliated, community-based tertiary care teaching hospitals. I am the author of numerous articles and a frequent lecturer on contemporary issues in Health Care. I have served as Chief Operating Officer and Senior Vice President for Administration of Cedars-Sinai Medical Center in Los Angeles; I was the Administrator and Chief Operating Officer of the Mount Sinai Medical Center in Milwaukee; and I was the Assistant Hospital Director of Hutzel Hospital, the Detroit Medical Center in Detroit, Michigan. I am currently the President of Arthur S. Shorr & Associates, Inc., Consultants to Healthcare Providers, which provides consulting services to hospitals and medical groups. I am an Associate Clinical Professor at the University of Southern California, School of Policy, Planning & Development, Graduate Program in Health Administration; and, I am a Visiting Professor and Guest Lecturer at The George Washington University School of Public Health & Health Services. My curriculum vita is provided herewith along with this report. I have practiced in the profession of healthcare administration, which is the subject of this suit, as a hospital executive and as a consultant to hospitals, physicians, and medical groups continuously for the past 30 years.

I am very familiar with the administrative standards applicable to Ambulatory Surgery Centers such as the Endoscopy Center of Southern Nevada. Based upon my training, background and experience in the field of healthcare administration, I am qualified to render opinions regarding the administrative standards in this case.

I have reviewed the following documents with respect to Mr. Kevin Rexford: Complaint; Affidavit of Russell Yang, MD, PhD; Medical Records; Defendant's Response to Request for Production; Deposition of Clifford Carroll, MD; Deposition of Jeffrey Krueger, RN;

Deposition of Dipak Desai, M.D.; Standards of the American Association for Ambulatory Health Care (AAAHC); and 42CFR, Sec. 416.43.

On January 28, 2005, Clifford Carroll, M.D. performed a colonoscopy upon Kevin Rexford, at the Endoscopy Center of Southern Nevada. The written text of the procedure report stated that this was a normal examination. No additional procedures, testing, or recommendations appear to have been made to Mr. Rexford in follow up following his colonoscopy.

In December, 2005 Mr. Rexford was hospitalized as the result of severe anemia caused by a cecum-colon cancer. At the time of first diagnosis, he had already progressed to Stage IV cancer of the colon, and I understand the allegations in this matter to include the failure to diagnose this cancer during his colonoscopy.

According to the testimony of Dr. Carroll, the Endoscopy Center of Southern Nevada has never monitored his procedures, has established no standards to be followed with regard to colonoscopies, does not carry out peer review, and does not have an effective quality assurance program for the colonoscopies performed by Dr. Carroll. The deposition of Dipak Desai, M.D., Medical Director of the Endoscopy Center, confirmed Dr. Carroll's testimony.

The administrative standards obliged of the Endoscopy Center of Southern Nevada are established by the American Association for Ambulatory Health Care (AAAHC) and the United States Government in the Medicare Conditions for Coverage (42 CFR). The AAAHC requires Ambulatory Surgery Centers to maintain an active and organized peer review process that is integrated into the quality management and improvement program. AAAHC requires that the results of peer review activities are reported to the Governing Body, and that the results of peer review are part of the process for granting continuation of clinical privileges. In this case, the Medical Director confirmed that there are no measures in place by which they attempt to prevent a failure from arising in terms of the quality performance of a colonoscopy reviewed against recognized standards of care (Desai, Page 17, Line 25 through Page 18). More specifically, he testified "there is no measure. It's just a persons own ability." In essence, he relies upon the training and ability, and self-monitoring of each physician granted privileges to work in the center. As stated by Dr. Carroll, quality assurance as it relates to the performance of a colonoscopy is left to the physician himself (Page 56, Line 19) and he was unaware of any process by which his procedures might be reviewed for purposes of quality assurance (P. 57., Line 19). This testimony stands in direct conflict to the standards obliging all licensed healthcare facilities engaged in invasive procedures to assure on an ongoing basis the qualitative performance of its surgeons and physicians. As a result of this failure, Dr. Carroll was operating within the center with the knowledge that his procedures would never be reviewed or submitted to any quality assurance committee, or evaluated against recognized standards of care for diagnostic colonoscopy. This allows for no ongoing evaluation of clinical currency of skills and

competency and no potential for behavior modification which is an essential element of a quality assurance program.

The standards for surgical centers such as the Endoscopy Center of Southern Nevada are promulgated by the AAHC, and by JCAHO. The Medical Director is ultimately responsible for the implementation of the quality assurance program at the Center and to report such finding to the Governing Body which has a fiduciary responsibility to the community. This is a non-delegable duty and responsibility of every surgery center Medical Director such as Dr. Desai.

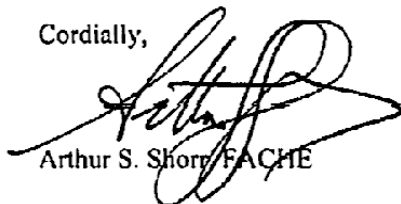
Based on the testimony of the Medical Director wherein he indicates that once noticed that a diagnostic procedure designed to detect and diagnose cancer of the colon was allegedly misdiagnosed, it is somewhat remarkable that the Medical Director did not intervene in a decisive way, conduct a retrospective review of all of Dr. Carroll's activities from the date of the alleged failure going forward encompassing all patients treated by Dr. Carroll. This behavior demonstrates a conscious and willful disregard for the safety and well-being of the community at large and for all subsequent patients treated by Dr. Carroll since notice of the missed diagnosis.

AAHC requires an active, integrated, organized, peer-based quality improvement program that addresses clinical performance and patient outcomes on an ongoing basis. Further, the Medicare standards in 42CFR, Sec. 416.43 require that Ambulatory Surgery Centers must conduct ongoing, comprehensive self-assessment of the quality of care provided, including medical necessity of procedures performed and appropriateness of care, and use findings, when appropriate, in the revision of center policies and consideration of clinical privileges.

It is my opinion, to a reasonable degree of administrative probability, that the Endoscopy Center of Southern Nevada breached the administrative standards through its failures to carry out ongoing peer review of physician performance, including colonoscopies performed by Dr. Carroll, and that as a result of the failure to perform peer review, patients such as Kevin Rexford became exposed to procedures performed below the standard of care, including the unacceptable risk of missed diagnosis during a colonoscopy.

My opinions are based upon the information that is available to me at this time, and may be modified and updated if additional information is received.

Cordially,



Arthur S. Shorr, FACHE

EXHIBIT 8

CURRICULUM VITAE

ARTHUR S. SHORR, FACHE

PROFESSIONAL EXPERIENCE:

Arthur S. Shorr & Associates, Inc., Consultants to Health Care Providers Los Angeles July 1983 - Present
President

Founded in 1983, Arthur S. Shorr & Associates, Inc. is a management consulting firm specializing in providing Strategic Planning, Operational Consulting and Business Practice services to Health Care Providers, including but not limited to: Hospitals, Medical Groups and Physicians. These services include:

- Strategic Planning
- Board and Medical Staff Retreats
- Strategic Medical Staff Business Development
- Managed Care Organizational Strategies
- Physician/Hospital Relationships
- Medicare Compliance Planning & Audits
- JCAHO Regulatory Compliance Review
- Risk Prevention Analysis
- Practice Acquisition and Sales
- Medical Staff Economic Grand Rounds
- Interim Practice Management
- Operational Consulting

Cedars-Sinai Medical Center Los Angeles May 1980 - January 1984
Chief Operating Officer, Senior Vice President for Administration

Cedars-Sinai Medical Center is the largest acute care voluntary hospital west of the Mississippi. As Chief Operating Officer of this major teaching Medical Center, was responsible for all operating activities on the Medical Center Campus, including 5500 employees and an operating budget in excess of 300 million dollars; appointed as a voting member of the Board of Trustees.

Mount Sinai Medical Center Milwaukee, Wisconsin, May 1976 - April 1980
Administrator & Chief Operating Officer

Mount Sinai Medical Center is a 450 bed community based, major teaching affiliate of the University of Wisconsin Medical School, Madison, and the Medical College of Wisconsin, Milwaukee, Wisconsin.

As Administrator and Chief Operating Officer was responsible for all day to day operational activities of the Medical Center was responsible for an employee complement in excess of 1600, and an operating budget in excess of 90 million dollars. From June 1, 1976 to February 1, 1977, served as Interim President and Chief Executive Officer while this position was vacant.

Hutzel Hospital, The Detroit Medical Center Detroit, Michigan February 1969 - April 1976
Assistant Director of Patient Services 1973 - 1976

- Professional Services
- Nursing Services

Assistant Director 1970 - 1973
Administrative Resident 1969 - 1970

EDUCATION:

M.B.A.: Health Care Administration, The George Washington University, Washington, D.C., 1970
Administrative Residency: Hutzel Hospital, Detroit, Michigan, 1969-1970
Bachelor of Science: Brooklyn College-City University, State of New York, 1967 - Major: Accounting, Economics

ACADEMIC APPOINTMENTS:

University of Southern California: School of Policy, Planning and Development; Graduate Program in Health Care Administration: Associate Clinical Professor: 1995 - Present
Adjunct Faculty: 1984 - 1994
Residency Advisory Committee: 1981 - 2004
Preceptor, Mentor: 1983-Present

The George Washington University: School of Public Health & Health Services
Adjunct Lecturer: 1992 - present
Executive in Residence: October 2004
Executive in Residence: November 2005
Executive in Residence: November 2006

University of Wisconsin: Adjunct Faculty: Program in Health Care Administration, 1977-1980

University of Southern California: Clinical Instructor: School of Pharmacy, Programs in Health Care, 1980-84

UCLA: Lecturer: Graduate School of Business, Medical Marketing Association, March, 1984

Wayne State University: Instructor: College of Lifelong Learning, 1973-1976

APPOINTMENTS AND AFFILIATIONS:

American College of Healthcare Executives:

Student Associate 1968 - 1970
Member 1970 - 1973
Diplomate 1973 - 2000
Fellow 2000 - present
Public Policy Committee 1999 - 2002
Regents Advisory Committee 1994 - present
Field Test Task Force:

Health Leadership Alliance Competency Directory 2005

Medical Practice Compliance Alert: Editorial Advisory Board 2001 - 2007

Healthcare CFO Report: Editorial Advisory Board 1999 - 2007

Healthcare Computing & Telecommunications: Consulting Editor 1982 - 1984

Computers in Health Care: Executive Advisory Board 1982 - 1985

American College of Medical Quality:

Member, Advisory Panel, National Ethics Committee 1997-2002

The George Washington University:

Distinguished Alumni of the Year Award 2004

Conejo Valley Critical Access Hospital Planning Taskforce:

Co-chairman 2004 - 2005

TRUSTEESHIPS:

- Cedars-Sinai Medical Center, Los Angeles, California. May 1980 - December 1983
- Charter Community Hospital, Hawaiian Gardens, California. Member 1984-1985
- Imagination Workshop, Westwood, California 1985-1988
- Jewish Homes for the Aging of Greater Los Angeles 1985-1990
- Mad River Community Hospital, Arcata, CA October 2006 - Present
- American Hospital Management Corporation, Arcata, CA October 2006 - Present

PUBLICATIONS:

The Role of the Chief Executive Officer in Maximizing Patient Safety. Healthcare Executive. March/April 2007.

Planning for Retirement: A Winning Strategy for Selling Your Medical Practice. MD News March 2007

Splitting the Financial Pie. Southern California Physician. August 2005

In the Defense of Hospitals: Taking the High Road. Trustee: The American Hospital Association April 2002

Billing Fraud-and-Abuse: Assessing Your Practice Risks. The SCPIE Companies, Medigram 2002

Billing Fraud-and-Abuse Compliance Audit: Key Risk Areas. The SCPIE Companies, Medigram 2001

Billing Fraud-and-Abuse Compliance Audit: Is Your Practice Ready? The SCPIE Companies, Medigram 2001

Has Nursing Lost Its Professional Focus? Nursing Administration Quarterly, Fall 2000

The Doctor's Practice Management Doctor, M.D. News, June 1997

The Solo Practitioner: Dying Species or a New Breed? Welcome to Health Care 1997, M.D. News, March 1997

Appraising Medical Practices, Physician Recruiter, September 1995

The Solo Practitioner: Dying Species or New Breed?, Medical Staff News Cedars-Sinai Medical Center, Spring 1992

Restructuring Your Practice to Meet the Challenges of the '90s, Progress Notes, College Hospital Costa Mesa, May 1991

Mergers and Acquisitions: Why Some Work When Others Fail, Health Care Strategic Management, November 1988

Industrial Medicine Clinics: Making the Right Acquisition Decision, Health Care Strategic Management, Vol. 6, No. 10, October 1988

The Long-Term Benefits of Helping Physician Groups with Strategic Planning, Health Care Strategic Management, Vol. 6, No. 8, August 1988

Part III: The Physician/Hospital Joint Venture: Developing a Win/Win Strategy for Success - Structuring and Negotiating the Deal, Health Care Strategic Management, Vol. 5, No. 8, August 1987

Acquiring Medical Practices: Protecting The Physician's Interest, LACMA Physician, Vol. 117, No. 10, June 1, 1987

Part II: The Physician/Hospital Joint Venture: Developing a Win/Win Strategy for Success - Joint Venture Strategies and Considerations, Health Care Strategic Management, Vol. 5, No. 5, May 1987

Personal Interview, Computers in Health Care, 1982

Practice Acquisition: To Buy or Not to Buy, Healthcare Forum Journal, Vol. 30, No. 5, September/October 1987

Part I: The Physician/Hospital Joint Venture: Developing a Win/Win Strategy for Success - The First Step: Developing the Environment, Health Care Strategic Management, Vol. 5, No. 2, February 1987

Attracting MDs Through Sponsored Management Services, Newsbrief, Southern California Chapter Healthcare Financial Management Association, October/November 1986

Employee Accountability: Are You Getting What You Paid For?, Computers in Health Care, February 1983

Beginning a Materials Management Program, Hospital Purchasing Management, February 1981

How To Prepare For Prospective Reimbursement: Development of a Comprehensive Management Information System for Personnel Utilization, Budget and Control, Hospital Topics, Vol.53, No. 2, March/April 1973

How to Take a Hospital to the Cleaners, Hospitals, J.A.H.A., Vol. 45, August 16, 1971

PRESENTATIONS:

Sexual Assault in Nursing Homes

American Association for Justice, Chicago, 07/07

Maximizing Patient Safety from a CEO Perspective

Hospital Association of South Africa, 2007 Annual Conference, Stellenbosch, South Africa, 6/07

Trends in Acute Care Hospitals in the United States

Hospital Association of South Africa, 2007 Annual Conference, Stellenbosch, South Africa, 6/07

The Role of the CEO in Maximizing Patient Safety.

American College of Healthcare Executives, 2007 Congress on Healthcare Leadership, New Orleans 3/07

Operational Productivity: Maximizing the Value of Private Practice

Osteopathic Physicians & Surgeons of Southern California, 46th Annual Convention, Palm Springs 2/07

Planning for the Paperless Office

Osteopathic Physicians & Surgeons of Southern California, 46th Annual Convention, Palm Springs 2/07

The Role of the CEO in Effective Medical Staff Peer Review

Semmelweis Society International, Inc., National Meeting 2006; Washington DC 5/06

The Role of the CEO in Maximizing Patient Safety

American College of Healthcare Executives, 2006 Congress on Healthcare Leadership, Chicago 3/06

The Role of the CEO in Maximizing Patient Safety

Healthcare Executives of Southern California, Riverside 1/06

Understanding Institutional Negligence: Hospitals and HMOs

Medical Skills Trial College, Phoenix 2/05

Tracking Accountability Up & Down the Corporate Tree

National College of Advocacy, Montreal 10/04

Role of the CEO in the Management Accountability Process: A View From the Courtroom

Health Care Executives of Southern California, Los Angeles 7/04

Governance & Hospital Liability

Los Angeles Chapter, American Association of Legal Nurse Consultants, Pasadena 6/04

Private Practice of Medicine, 2004: The Transition From Academic Medicine

Cedars-Sinai Medical Center, Medical Staff & House Staff Alumni Association, Los Angeles 5/04

Corporate Strategic Planning Retreat

Aspen Education Group, LaJolla, CA 1/04

Maximizing the Value of Private Practice

Fall Symposium: Infectious Disease Association of California, Los Angeles 10/03

Issues & Dynamics Impacting the Private Practice of Medicine

Cedars-Sinai Medical Center, Medical Staff & House Staff Alumni Association, Los Angeles 5/03

Institutional Negligence: Hospitals and HMOs

Medical Skills Trial College, Tampa 1/03

Credentialing and Granting Hospital Practice Privileges: The Duties and Responsibilities of the Hospital.
National College of Advocacy, Las Vegas 10/02.

EMTALA Update
American Association of Legal Nurse Consultants. Indianapolis 4/02.

Elements of Accountability: Evaluating the Hospital's Role in Birth Trauma Litigation
ATLA Birth Trauma Litigation Group, 2/2002

Hospital Liability in Medical Malpractice Cases: Administrative Negligence with Medical Consequences
National College of Advocacy, 10/2001

The Unlimited Future of Healthcare in the 21st Century, From a Healthcare Administrator's View
Keynote Address: Alpha Epsilon Delta, University of Southern California, Los Angeles 2/01.

Contemporary Issues in Hospital Medical Staff Credentialing & Privilege Granting
National College of Advocacy, Rohnert Park 10/00

Hospital Governance & Liability: Understanding Liability Pathways
Illinois Trial Lawyers Association, 9/2000

Hospital Governance & Liability: Understanding Liability Pathways
San Francisco Trial Lawyers Association, 8/2000

Strategic Planning
American Medical Group Association, Boston 10/99

Practice Management Options and Opportunities for Effective Cost Management and Customer Satisfaction
Saint Barnabas Institute for Physician Leadership, New Jersey 5/99

Utilization Management: A Historical Context From the Physicians Perspective
George Washington University School of Public Health, Washington D. C. 10/98

Contemporary Issues in Hospital Liability
Technical Advisory Service for Attorneys, Blue Bell, PA 10/98

Contemporary Issues in Managed Care - The Impact Upon the Practitioner in the United States
Hebrew University/George Washington University - Joint Program in Public Health, Israel 5/98

Governance and Hospital Liability: Understanding Liability Pathways
American Association of Legal Nurse Consultants, Dallas 4/98

Key Developments in Healthcare Delivery in USA
Australian General Practice Panel, Canberra, Australia 3/98

Surviving, Thriving, or ?? Under Managed Care: You Have A Choice
George Washington University School of Public Health, Washington, D. C. 10/97

Understanding the Role of the Hospital Administrator & Board of Directors in Maintaining Community Standards
Technical Advisory Service for Attorneys, Blue Bell, PA 2/97

Patient Management Implications of Managed Care
Annual Meeting of the Medical Staff, Monterey Park Hospital, 12/96

The Strategic Role of Hospitals and Physicians in Creating Successful Integrated Delivery Systems
Visiting Professor, Managed Care Colloquium, George Washington University Graduate School of Public Administration, Washington, D.C. 10/96

Implications of Managed Care/Capitation on Physician Practice

Medical Group Management Association, Las Vegas, NV 9/96

The Potential to Create Regional Branded Delivery Systems: Challenges to the Investor-Owned Hospital

Annual Corporate Regional Strategic Planning Retreat for CEO's and Key Administrative Staff, ORNDA Hospital Corporation, 8/96

Theories of Liability Against a Hospital in an Orthopedic Implant Case

Association of Trial Lawyers of America, 7/96

Preparing for Success: The Role of the Community Hospital

Board of Trustees Annual Strategic Planning Retreat, Panorama Community Hospital, 5/96

Overcoming Practice Merger Hurdles to Ensure Success and the Bottom Line

The American College of Medical Staff Development, 4/96

How to Merge or Acquire Practices Without Losing Your Shirt

The American College of Medical Staff Development, 4/96

Working With Physicians: Building Relationships and Alliances

Visiting Professor, George Washington University Graduate School of Public Administration 11/95

Key Economic and Organizational Elements Necessary in Developing Successful Integrated Delivery Systems

American Academy of Medical Administrators 11/95

Understanding the Psychology, Needs and Wants of Physicians in the '90s and Beyond

American Association of Health Care Consultants 10/95

Reducing Costs, Right-Sizing and Reorganizing to Improve Market Value

The Alliance for Healthcare Strategy and Marketing 10/95

The Legal and Working Relationships Between Board, Physician and Hospital

American Association of Legal Nurse Consultants 9/95

Thriving Under Managed Care

The National Association of Physician Recruitment and Retention, Seventh National Symposium 9/95

Overhead Expense Reduction Through Right-Sizing and Reorganization

National Institute of Physician Recruitment & Retention, Practice Management for Non-Clinical Administrators 7/95

The Economics of Private Practice in an Integrated Delivery System

Parkview Health Systems MSO 7/95

The Economics of Private Practice in an Integrated Delivery System

Parkview Health Systems PHO 6/95

Thriving Under Managed Care: Keys to Developing A Progressive Integrated Delivery System

The National Institute of Physician Recruitment & Retention, The 6th National Symposium 5/95

Medical Practice Consolidation for Specialists

Hoag Memorial Hospital 12/94

The Private Practice of Medicine - the Evolution of Medical Care Organizations in the 90's

California Society of CPA's 10/93

Physician - Hospital Relationships: Raising the Unpopular Questions

Healthcare Executives of Northern California 7/93

Positioning Your Practice for Maximum Value in the 90's

Hoag Memorial Hospital 3/93

Why Physicians and Groups Seek Affiliation "Mergers"

Main Line Health System of Pennsylvania 11/92

Succession Planning for Medical Practices

California Society of CPA's 10/92

Strategic Medical Staff Business Development: Census and Revenue Enhancement Strategies for the 90's

The Physician Relations Group 10/92

Valuing and Buying a Practice: Opportunities for Growth and Integration

Osteopathic Physicians and Surgeons of California 9/92

Medical Economics in the 90's: Is the Solo Practitioner Going to Exist?

Granada Hills Community Hospital 6/92

How to Increase the Value of Your Practice

United Western Medical Centers 5/91

Specialty Service Marketing

The National Association of Private Psychiatric Hospitals 4/87

You and Your Medical Staff: Allies or Adversaries?

Southern California Healthcare Marketing Association 3/87

The Evolution of The Acute Care Hospital Sector through the Next Decade

American Hospital Supply Corp. Hospital Applied Research Division 11/83

Rev. 7/07

**ARTHUR S. SHORR
DEPOSITION & TRIAL TESTIMONY
MOST RECENT FOUR YEARS**

ATTORNEY NAME	CASE NAME	COUNTY STATE	CAUSE #	DEPO DATE	TRIAL DATE
Oscar Toscano	Nistler v. Pen Mar Hospital	San Bernardino CA	KC-038364	8/18/03	9/16/04
James Pancratz	Frigo v. Silver Cross Hospital	Cook IL	00L8516	10/7/03	8/20/04
Sherry McElroy	Zulim v. TPMG	Sacramento CA	Arbitration	2/4/04	7/19/05
Quinton Seay	Bell v. Grady Memorial Hosp.	Fulton GA	02-VS-029232-G	3/9/04	
Irwin Ellerin	Brooks v. Ten Broeck Hospital	Jefferson Circuit Ct. Div 5, KY	01-C1-06581		3/17/04
Russell Artile	DeMarco v. Morton Plant Hosp	Pasco FL	51-2002-CA-00174	3/29/04	
Les Weisbrod	Ater v. Madison County Hosp.	US District Ct Southern Dist OH	C2 00 934	4/7/04	
Mark Bronson	Beecher v. Ibrahim et al	St. Louis MO	02CC-003755	4/26/04	
Thomas Slater	Naggar v. Mercy Hospital	Polk IA	CL 85360	4/30/04, 6/11/04	
Steve Schultz	Hensley v. Hazel Hawkins Hsp	San Benito CA	CV-02-028337	6/10/04	
Verle Norris	Cawthorn v. Mercy Hospital	Polk IA	CL89634	6/11/04	7/1/04
Gerald Sugarman	Shaye v. Tarzana Regl. Med Ctr	Los Angeles CA	LC062782	7/8/04	
Kelly Clark	Zibell v. Maxim Home Health	Multnomah OR	0301-00993		7/20/04
John Scarpino	Dematteis v. Mariner Health	CA		7/27/04	
John Taylor	Burritt v. Los Robles Hospital	Los Angeles CA	LC 063716	8/19/04	

Steven Laird	Aranda v. CMC, BUMC et al	Dallas TX	03-02670-E	9/1/04	
Paul Lagnese	Anderson v. UPMC Hospital	Allegheny PA	GD 01-012543	9/9/04	
Priscilla Walters	Foreman v. Spring Branch Med Ctr	Harris TX	2002-32584	9/27/04	
Jim Leventhal	Vasquez v. Presbyt/St. Lukes	Denver CO	2002 CV4835	9/29/04	4/18/06
Jim Peterson	Davis v. Crawford Long Hospital	DeKalb GA	03-A-01430-3	10/13/04	
Mark Bonner	Frost v. Schimandle et al	Oklahoma OK	CJ 2001-5663	10/18/04	
William Lyons	Tuss v. UC Davis	Sacramento CA	02A502161	10/28/04	
Gary Hillerich	Hagan v. Flaget Memorial Hospital	Nelson KY	96-CI-00378	11/3/04	
Margo Grubbs	Ewbank v. St. Elizabeth Hospital	Kenton KY	99-CI-02160	11/5/04	
James Orr	Tovar v. Sierra Medical Center	El Paso TX	2003-960	11/9/04	
Hunter Hillin	Hanks v. Christus St. Mary's Hospital	Jefferson TX	E-166254	11/10/04	
Fred Harrison	Johnson v. Memorial Hospital	US Distr Court WY	04-CV-0160-D	11/11/04	
Steven Laird	Huschke v. Denton Regl. Medical Ctr	Wise TX	03-08-652	11/29/04	
Terry Fiset	Greenway v. St. Joseph's Hospital	Hillsborough FL	03-11667	12/7/04	
Damon Weems	Rojas v. San Juan Regl Med Ctr	US District Ct NM	CIV 04-0602	1/27/05	
Frank Powers	Sunia v. Banner Health System	Maricopa AZ	CV2003- 012906	2/21/05	
Brian Tew	Dentler v Texas Orthopedic Hosp	Harris TX	2003-48497	2/22/05	
Bron Draganov	Harrell v. Western Medical Center et al	Orange CA	02CC14729	3/8/05	
Motaz Gerges	Omari v. Kindred Hospital	Los Angeles CA	BC 280010		3/15/05
Donald Cripe	Baeza v. Vista Pacifica	Riverside CA	RIC 358068	3/25/05	

Jack Conway	Beglin v. U. Louisville Hospital	Jefferson Circuit KY	04-CI-01605	4/29/05, 4/28/06	7/13/06
Scott Noecker	Coulter v. Palms of Pasadena Hospital	Seminole FL	03-CA-1667- 09-L	5/4/05	
Susan Guinn	Semenza v. Washoe Medical Center	Washoe NV	CV03 02168	5/10/05	
Stephen Modovsky	Williams v. Resthaven	Tulsa OK	CJ-2003-04301	5/20/05	
Patricia Law	Hammerle v. Scripps Memorial	San Diego CA	GIC 816967	6/2/05	
James Holliday	Munoz v. St. Joseph's Hospital	Hillsborough FL	99-03022	6/21/05	
Carolyn St. Clair	Schuster v. Memorial Hermann	Harris TX	2003-49839	7/14/05	
Michael Morrison	Pellatz v. Mad River Community Hospital	Humboldt CA	DR 020728	8/2/05	6/28/06
Christopher Kreeger	Juarez et al v. Mercy General Hospital	Sacramento CA	04AS00110	8/5/05	
Michael Meehan	Derry v. NorthStar et al	Pima AZ	C200406008	9/12/05	
Dan Packard	Guillory v. Christus St. Mary Hospital	Jefferson TX	D-170488	9/13/05	3/24/06
Michael Mosher	Wooten v. East Texas Medical Ctr	Red River TX	CV 00037	9/20/05	
Michael Loos	Allen et al v. Rapid City Regl Hosp	Pennington SD	04-419	9/27/05	
Larry Wall	Kaufman v. Cardiovascular Cons	Allen KS	04CV10	10/17/05	
Kathleen Hurley	Safai v. TPMG	Alameda CA	RG03132772		10/19/05
Ray Schrank	Wing v. U Wisc Hospital & Clinics	Marquette WI	04-CV-10	10/20/05	
James Farnan	Carr v. St. Francis	Cook IL	00 L 003316	10/28/05	
Paul Friedman	Sims v. Select Specialty Hospital	Maricopa AZ	CV 2003- 012721	11/22/05	
Daniel Simon	Connor v. Sahara Surgery Center	Clark NV	A430916	11/23/05	12/8/05
Christopher Regan	Boggs v. Camden- Clark Memorial Hsp	Wood WV	03-C-296	12/5/05	3/2/06

Marvin Kurzban	Laborde v. North Shore Med Ctr	Miami-Dade FL	02-32195 CA 09	12/14/05	
Richard Krause	Anderson v. Moody	Okaloosa FL	98-431-CA	8/2/00	1/18/06
Ross Anderson	Jett v. Hannibal Regl	Marion MO	CV 303642CC	2/15/06	
Jerry Andrews	Williams et al v. Wadley Regl Med Ctr et al	Bowie TX	03-1374-202	4/12/06	
Jeffrey Ward	Moorhead v. ARMG	Los Angeles CA			4/19/06
Mark Decof	Coutu v. Rhode Island Hospital et al	Providence RI	CA 00-3720	4/20/06	
Lawrence Ruder	Thompson v. NW Commy Hospital	Cook IL	01 L 16032	5/2/06	
Stephen Kapral	Walker v. Columbia/JFK Medical Center	Palm Beach FL	50-2005-CA-004927 XXXXMB	5/11/06	
Robert McCracken	Gastelum v. Phoenix Baptist Hospital	Maricopa AZ	CV2005-005601	5/12/06	
Frederick Sherman	McCall v. Mimbres Memorial Hospital	Dona Ana NM	CV 2005-00945	5/16/06	
Nancy LaVista	Sangounchitte v. Columbia/JFK Medical Center	Palm Beach FL	50 2004 CA 000730 XXXXMB	5/22/06	7/17/06
Gary Gwilliam	Mannick v. Kaiser Foundation Health Plan	US District Court, Northern CA	C -3-5905 PJH	5/25/06	
Marc Stern	Ellery v. Losse et al	San Diego CA	12400146635		6/1/06
Frank Fletcher	Noble v. Hazard ARH Medical Center	Hazard KY	01-CI-00448	6/2/06	
Ronnie Mitchell	Wright v Cape Fear Valley Medical Ctr	Cumberland NC	05 CVS 4376	6/16/06	
Linda Ross	Czwakiel v. LLUMC et al	San Bernardino CA	SCVSS 087824	7/26/06	
Scott Nottingham	Otero v. Vito & Middle Georgia Hospital et al	Macon GA	5:04-CV-0211-4(DF)	8/16/06	
David Ring	Jillian P. v. DCHC	Los Angeles	BC 256811	9/1/06	

	& Pine Grove Hosp	CA			
George Barnett	Boyd v. Methodist Hospital	Henderson KY	01-CI-00405	9/6/06	
William Hinnant	Moore v. Williamsburg Regl Med Ctr	US District Ct. District of SC; Florence Division	4:05-2940-TLW	9/28/06	
Brian Tew	Head v. Fayette Community Hosp.	Fayette GA	2005 CV0870	10/4/06	
Amy Meyer	Harper v. Trident Medical Center	Charleston SC	05-CP-10-43	10/20/06	
Chris Nettesheim	Lipton v. Providence St. Joseph Med Ctr	Los Angeles CA	EC 039931	10/25/06	11/27/06
Donald Moore	Dunham v. Bethesda Hospital North	Hamilton OH	A0506897	10/26/06	
Steve Modovsky	Rogers v. Heritage	Washington OK	CJ-2003-260	11/10/06	
Toby Fullmer	Rutledge v. Medical City Dallas Hospital	Dallas TX	0405612-G	12/7/06	
William Hinnant	Schindler v. Marshfield Clinic	US District Court, Western District, WI	05-C-705-C	1/2/07	
Russell Balisok	Madigan v. Bristol Park et al	Orange CA	01CC11177	1/11/07	
Craig Jensen	Adams v. Granite City Illinois Hospital	Madison IL	05-L-368	1/15/07	
Chris Pitet	Loudon v. Poblete et al	Orange CA	05CC07519	2/19/07	5/9/07
Cynthia Lebow	Bluestone v. Kaiser-Sunset	Los Angeles CA	Arbitration # 6746	3/27/07	4/11/07
Lee Gunn	Hagen v. Quintero et al	Hillsborough FL	04-CA007055	3/28/07	
Matthew Caspari	University Legal Svcs et al v. St. Elizabeths Hospital	US District Court, District of Columbia	1:05 CV 00585 (JMF)	4/6/07	
William Parsons	Eckerstorfer v. Midelfort et al	Eau Claire WI	05-CV-412	4/9/07	4/19/07
Luan Phan	Leung v. Verdugo Hills Hospital	Los Angeles CA	BC 343985	4/17/07	5/31/07
Tom Curtis	White Memorial	Los Angeles	BC 320515	4/18/07	

	Hospital v. Axis Medical Group	CA			
Ronnie Mitchell	Poulos v. North Carolina Baptist et al	Cumberland NC	06 CVS 8617	5/1/07	
Federico Sayre	Quigley v. Saddleback Meml Medical Center	Orange CA	06CC02165	5/23/07	
Edward Nevin	Canoun v. John Muir Hospital	Contra Costa CA	CO5-01588	5/24/07	
Ardell Skow	Miller v. St. Croix Regl Medical Ctr	Polk WI	05-CV-101	5/25/07	
Donald Nolan	Mikalauskas v. Advocate Health, Christ Hospital	Cook IL	03L003697	5/30/07, 6/22/07	
John Tomlinson	USA, ex. Rel. Anne Landers v. Baptist Meml Healthcare	US District Court – Western District of TN	99-2097-G/V	6/28/07	
Joel Newton	Reyes v. Memorial Medical Center	Dona Ana NM	CV 2004-1249	7/2/07	
Kennan Dandar	Doll v. Regional Medical Ctr Bayonet Point	Pasco FL	51-2006-CA-1899-WS	7/9/07	
Robert Shively	Chiles v. Memorial Hospital of Carbon County	Carbon WY	06-CV-00176-D	7/23/07	
Don Beck	Villa v. Sharp Memorial Hospital	San Diego CA	GIC 868380	9/12/07	
Rob Lewis	Goodnough v. University Hospital	Hamilton OH	A 0508883	9/14/07	
Jacob Vigil	Urioste v. Lovelace Sandia Health System	Bernalillo NM	CV-2004-08463	9/19/07	
Scott Bernstein	Bass v. Daniel Freeman Hospital	Los Angeles CA	YC051160	9/20/07	
Michael Oliver	Brown v. Olathe Medical Center	Johnson KS	05-CV-04775 Div (8); Ch. 60	11/15/07	
Brice Bryan	McCoy v. Simi Valley Care Center	Ventura CA	SC 044925	11/27/07	
Kenneth Watkins	Calhoun v. Henry Ford Health Systems	Wayne MI	06 627 499 NH	11/29/07	

Matt Williams	Smithey v. Valley West Comnty Hosp	Dekalb IL	03 L 57	12/12/07, 1/15/08	
Koorosh Shahrokh	Nazaryan (dec) et al v. Los Angeles Community Hospital et al	Los Angeles Central District CA	BC 364 835	1/30/08	
Peter Durney	Woodard v. Lake Tahoe Surgery Center et al	Douglas NV	06-CV-0059	1/31/08	
Frank Piscitelli	Powell v. Highland District Hospital et al	Highland OH	05-CV-365	2/18/08	
Patricia Law	Eckert v. Riverside Comnty Hosp	Riverside CA	RIC 426856	2/27/08	

EXHIBIT 9

***REPORT ON THE ECONOMIC LOSS TO THE FAMILY OF
MR. KEVIN REXFORD***

TERRENCE M. CLAURETIE, PH.D.

FEBRUARY 27, 2008

ASSIGNMENT & SUMMARY OPINION

I have been asked to calculate the economic losses to the family of Mr. Kevin Rexford as a result of an alleged failure to diagnosis his colon cancer in January 2005 at the age of 43. I have determined that the present value of the economic loss is **\$6,219,018** (Six-Million Two-Hundred Nineteen Thousand and Eighteen Dollars) to **\$7,076,415** (Seven-Million Seventy-Six Thousand and Four Hundred Fifteen Dollars), as discussed in detail herein. Further, there is an additional **\$282,000 to \$846,000** loss detailed below.

MATERIALS RELIED UPON

For this purpose I have relied on the following:

1. Personal and business tax returns 2001-2006;
2. Date of birth of Mr. Rexford, his wife Julie, and two children Hannah & Alexa;
3. Business Sale Agreement, dated August 2007;
4. Income statement for Pharos, Inc/Priority Care Pharmacy, 2006;
5. Discussion with Dr. Arnold Wax, February 5, 2008,

6. Work-life expectancy table for males in a professional specialty occupation;
7. Published research: "Estimating Personal Expenditure Deductions in Multi-Income Families in Cases of Wrongful Death", Melvin Harju and Clarence Adams, *Journal of Forensic Economics*, 1990, pp. 65-81;
8. Published research "Which Estimates of Household Production are Best?" John Douglas, Kenny and Miller, *Journal of Forensic Economics*, 1990 pp. 25-45;
9. Interest rates on United States Government securities (to reduce future losses to present value);
10. 2007 Annual report of the Board of Trustees for OASDI (to estimate future earnings growth);
11. Life expectancy table published by the United States government;
12. Meeting with Mr. Kevin Rexford;
13. Consumer Price Index published by the United States Department of Commerce.

BACKGROUND

Mr. Kevin Rexford is an accomplished business owner and pharmacist who graduated from college with a degree in chemistry in 1984. Thereafter, he attended and graduated from graduate-pharmacy school in 1987. Kevin worked as an employee of various entities as a pharmacist immediately upon completion of his training in 1987, including as Director of Pharmacy at Desert Springs Hospital in the mid-1990's. In 1999, Kevin started his own business, i.e. Assist Care Pharmacy.

Kevin solely owned, solely directed and ran this pharmacy company that specializes in providing prescription medicines to adult-care facilities. From my discussions with him, it is apparent that Kevin has taken great pride in his ability to grow his business in a competitive market, and that he attributes the success of the business to his efforts in maintaining and cultivating important relationships with his clients, and personally insuring good service. During the course of his business, Kevin seized upon important and what turned out to be profitable opportunities to expand. In 2000, Kevin purchased a competitor-business, i.e. Senior Care Pharmacy. As evidenced by his tax returns in 2001 & 2002, Kevin's personal and business income dramatically increased following this acquisition.

From 2002 through 2005 his personal income from the business averaged \$219,114. It was slightly less (\$202,971) in 2006. Kevin informed me that it was not until this time, the end of January 2006, that he was first diagnosed with his terminal cancer, and during that year, he underwent surgery and extensive chemotherapy.

Similar to the year 2000 when Kevin acquired Senior Care, Kevin was presented with the opportunity in 2007 to acquire another competitor pharmacy business, i.e. Pharos, Inc. However, during 2007, Kevin who had been diagnosed with incurable-terminal cancer, was concerned about his mortality, and was aware that there was a strong likelihood for the need for him to engage in additional chemotherapy, potential future surgery, and understandably was more focused on his health. Kevin was concerned given his terminal illness about expending the initial six-figure amounts

necessary to make this acquisition. As a result of his serious illness, Kevin did not acquire Pharos, Inc., and he understands that it was sold to another company.

Had the sale gone through, I estimated his additional income to be \$282,481 in 2008 (and thereafter with growth). This amount appears conservative considering the increase in income following his 2000 acquisition of Senior Care. Arnold Wax, M.D. is an oncologist who is currently in charge of the management of Kevin's terminal cancer. Dr. Wax informed me that Kevin has been a patient of his since early 2006. Dr. Wax further informed me that conservatively, Mr. Rexford will unfortunately, more likely than not, die from his terminal cancer in the next 12-24 months, and perhaps sooner. Based upon my discussions with Dr. Wax, I have calculated the financial loss assuming that Mr. Rexford will not survive beyond three, four, and five years, following his initial diagnosis in January 2005.

CALCULATIONS

Table one shows the income of Mr. Rexford from his business from 2000 through 2005. The first two years are considered start-up. The average for 2002 through 2005 is \$219,114. His 2006 income was down slightly from this average, and it is noteworthy that this was the year Kevin spent engaging in months of aggressive chemotherapy following surgery. The annual income that reasonably would have occurred had Mr. Rexford been able to purchase Pharos, Inc. would be \$282,481. The total estimated in 2008 would be \$501,594 assuming an actual purchase of the business by the end of 2007.

Table two shows the calculation of the annual profit to Mr. Rexford from the purchase of the company. The amount is based on the 2006 income statement of Pharos, Inc. The revenue amount, actual gross margin, (\$349,499) is taken directly from the 2006 tax return of Pharos, Inc. The expenses are those additional expenses estimated by Mr. Rexford to be those he would incur in connection with the purchase.

Table three shows the financial loss assuming a three-year survival post-diagnosis. The first two columns are the year and Mr. Rexford's age (at the end of the year). The next column shows his expected income beginning in 2007. It is increased in 2008 by the profits of the additional company. Earnings in this column are expected to grow post-2008 by 3.7% annually. Item #10 above indicates that the trustees of the Social Security trust fund expect average earning for the economy to grow at 3.9%. The next column shows the number of persons in the Rexford household assuming that his two children leave the household at the end of the year in which they turn eighteen. The number of family members determines the percentage of income that Mr. Rexford would be expected to use for his own personal consumption. The estimate is based on item #7 above based on table 5 in that report (the highest level of family income. The personal consumption per cent is 18.4% for a four-person family, 22% based on a three-person family, and 29.4% for a two-person family.

The sixth column shows the loss of support by deducting the values in column five from those in column three. The values in column seven are those of his contribution to household services as determined by item #8 above and brought to current

2008 dollars by the Consumer Price Index. Column eight is to total financial loss by adding the household services to the loss in financial support. Column nine shows the current (Fe., 2008) interest rates on United States Treasury securities. The final column is the present value of the loss through Mr. Rexford's pre-injury life expectancy. The loss begins in 2009 according to the three-year survival scenario. The present value is **\$7,076,415.**

Tables four and five show the calculations for the four- and five-year survival scenarios. Those losses are **\$6,654,845** and **\$6,219,018**, respectively.

ADDITIONAL LOSS

Not calculated above are the losses due to the failure to purchase Pharos, Inc. in the case of the three-, four-, and five-year survival scenarios. For the three-year survival assumption there would be an additional loss of approximately **\$282,000**. For the four-year survival analysis there would be an additional loss of double this amount: **\$564,000** and for the five-year assumption there would be an additional loss of **\$846,000.**

However, had Mr. Rexford purchased Pharos, Inc. in 2007 he would have had to pay at least \$125,000 up front for this acquisition. This amount should be deducted from the above loss calculations.

COMPENSATION

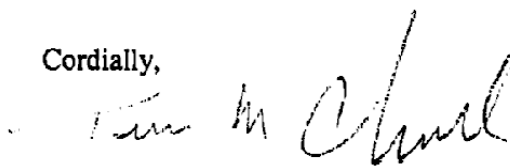
I charge \$300 per hour for non-testimony work and \$400 per hour for all testimony. I have allocated seven hours to this report including the meetings I have attended in this case. In addition to the materials relied upon I have attached an invoice.

ATTACHMENTS

In addition to the materials relied upon I have attached:

1. current list of publications
2. testimony history
3. invoice

Cordially,

A handwritten signature in cursive script, appearing to read "Terrence M. Clauretje".

Terrence M. Clauretje, PH.D.

**TABLE ONE
EARNINGS HISTORY**

2000	\$228
2001	\$54,401
2002	\$151,490
2003	\$298,498
2004	\$243,227
2005	\$183,239
2006	
2002-2005 AVERAGE	\$219,114
ADD PURCHASE	\$282,481
TOTAL	\$501,594

TABLE TWO
ADDITIONAL INCOME FROM PURCHASE OF PHARMACY

REVENUE	\$349,499
EXPENSES	
WAGES	\$30,000
TAXE & LIC.	\$1,000
CREDIT CARD	\$5,402
DELIVERY	\$20,000
SUPPLIES	\$4,505
PAYROLL TX	\$6,111
NET	\$282,481

LOSS OF FINANCIAL SUPPORT-KEVIN REXFORD-THREE YEAR SURVIVAL POST DIAGNOSIS (1/20/2006)
 DOD= ??? FULL THALL 2/10/2008
 WLE= 20 PROF. SPEC. AGE 46.23 46
 HUSBAND'S LIFE EXP = 3.70% 78 2039
 DATE OF DIAGNOSIS 1/20/2006

YEAR	AGE (EOY)	INCOME	FAMILY	OWN CONSUMP.	LOSS OF SUPPORT	HOUSEHOLD SERVICES	TOTAL	DISCOUNT RATE	PRESENT VALUE
2007	46	\$219,114	4	\$40,317	\$178,797	\$5,481	\$0	0.00%	\$0
2008	47	\$501,594	4	\$92,293	\$409,301	\$5,683	\$0	0.00%	\$0
2009	48	\$520,153	4	\$95,708	\$424,445	\$5,894	\$430,339	2.08%	\$421,570
2010	49	\$539,399	4	\$99,249	\$440,150	\$6,112	\$446,261	1.19%	\$435,827
2011	50	\$559,357	4	\$102,922	\$456,435	\$6,338	\$462,773	2.21%	\$433,399
2012	51	\$580,053	4	\$106,730	\$473,323	\$6,572	\$479,896	2.50%	\$434,762
2013	52	\$601,515	3	\$132,935	\$468,580	\$6,815	\$475,396	2.79%	\$414,287
2014	53	\$623,771	2	\$183,389	\$440,382	\$7,068	\$447,450	3.00%	\$374,732
2015	54	\$646,851	2	\$190,174	\$456,677	\$7,329	\$464,006	3.21%	\$371,938
2016	55	\$670,784	2	\$197,211	\$473,574	\$9,390	\$482,963	3.40%	\$369,615
2017	56	\$695,603	2	\$204,507	\$491,096	\$9,737	\$500,833	3.60%	\$364,296
2018	57	\$721,340	2	\$212,074	\$509,266	\$10,097	\$519,364	3.74%	\$359,757
2019	58	\$748,030	2	\$219,921	\$528,109	\$10,471	\$538,580	3.80%	\$357,338
2020	59	\$775,707	2	\$228,058	\$547,649	\$10,858	\$558,508	3.90%	\$352,893
2021	60	\$804,408	2	\$236,496	\$567,912	\$11,113	\$579,025	4.00%	\$347,748
2022	61	\$834,171	2	\$245,246	\$588,925	\$11,524	\$600,449	4.10%	\$342,110
2023	62	\$865,036	2	\$254,320	\$610,715	\$11,951	\$622,666	4.20%	\$335,923
2024	63	\$897,042	2	\$263,730	\$633,312	\$12,393	\$645,704	4.30%	\$329,219
2025	64	\$930,233	2	\$273,488	\$656,744	\$12,851	\$669,595	4.40%	\$322,036
2026	65	\$964,651	2	\$283,607	\$681,044	\$8,396	\$689,440	4.50%	\$312,179
2027	66	\$1,000,343	2	\$294,101	\$706,242	\$8,707	\$714,949	4.50%	\$309,789
2028	67					\$27,045	\$27,045	4.50%	\$11,214
2029	68					\$28,045	\$28,045	4.50%	\$11,128
2030	69					\$29,083	\$29,083	4.50%	\$11,043
2031	70					\$21,471	\$21,471	4.50%	\$7,802
2032	71					\$22,266	\$22,266	4.50%	\$7,742
2033	72					\$23,090	\$23,090	4.50%	\$7,683
2034	73					\$23,944	\$23,944	4.50%	\$7,624
2035	74					\$24,830	\$24,830	4.50%	\$7,565
2036	75					\$17,509	\$17,509	4.50%	\$5,105
2037	76					\$18,157	\$18,157	4.50%	\$5,066
2038	77					\$18,829	\$18,829	4.50%	\$5,027

TOTAL **\$7,076,415**

LOSS OF FINANCIAL SUPPORT-KEVIN REXFORD-FOUR YEAR SURVIVAL POST DIAGNOSIS (1/20/2006)
 DOD= ??? DOB= 11/17/1961 DOR= 2/10/2008
 WLE= 20 PROF. SPEC. AGE 46.23
 WAGE GROWTH= 3.70% 78 2039
 HUSBAND'S LIFE EXP.= 46
 DATE OF DIAGNOSIS 1/20/2006

YEAR	AGE (EOY)	INCOME	FAMILY	OWN CONSUMP.	LOSS OF SUPPORT	HOUSEHOLD SERVICES	TOTAL	DISCOUNT RATE	PRESENT VALUE
2007	46	\$219,114	4	\$40,317	\$178,797	\$5,481	\$0	0.00%	\$0
2008	47	\$501,594	4	\$92,293	\$409,301	\$5,683	\$0	0.00%	\$0
2009	48	\$520,153	4	\$95,708	\$424,445	\$5,894	\$0	2.08%	\$0
2010	49	\$539,399	4	\$99,249	\$440,150	\$6,112	\$446,261	1.19%	\$435,827
2011	50	\$559,357	4	\$102,922	\$456,435	\$6,338	\$462,773	2.21%	\$433,399
2012	51	\$580,053	4	\$106,730	\$473,323	\$6,572	\$479,896	2.50%	\$434,762
2013	52	\$601,515	3	\$132,935	\$468,580	\$6,815	\$475,396	2.79%	\$414,287
2014	53	\$623,771	2	\$183,389	\$440,382	\$7,068	\$447,450	3.00%	\$374,732
2015	54	\$646,851	2	\$190,174	\$456,677	\$7,329	\$464,006	3.21%	\$371,938
2016	55	\$670,784	2	\$197,211	\$473,574	\$9,390	\$482,963	3.40%	\$369,615
2017	56	\$695,603	2	\$204,507	\$491,096	\$9,737	\$500,833	3.60%	\$364,296
2018	57	\$721,340	2	\$212,074	\$509,266	\$10,097	\$519,364	3.74%	\$359,757
2019	58	\$748,030	2	\$219,921	\$528,109	\$10,471	\$538,580	3.80%	\$357,338
2020	59	\$775,707	2	\$228,058	\$547,649	\$10,858	\$558,508	3.90%	\$352,893
2021	60	\$804,408	2	\$236,496	\$567,912	\$11,113	\$579,025	4.00%	\$347,748
2022	61	\$834,171	2	\$245,246	\$588,925	\$11,524	\$600,449	4.10%	\$342,110
2023	62	\$865,036	2	\$254,320	\$610,715	\$11,951	\$622,666	4.20%	\$335,923
2024	63	\$897,042	2	\$263,730	\$633,312	\$12,393	\$645,704	4.30%	\$329,219
2025	64	\$930,233	2	\$273,488	\$656,744	\$12,851	\$669,595	4.40%	\$322,036
2026	65	\$964,651	2	\$283,607	\$681,044	\$8,396	\$689,440	4.50%	\$312,179
2027	66	\$1,000,343	2	\$294,101	\$706,242	\$8,707	\$714,949	4.50%	\$309,789
2028	67					\$27,045	\$27,045	4.50%	\$11,214
2029	68					\$28,045	\$28,045	4.50%	\$11,128
2030	69					\$29,083	\$29,083	4.50%	\$11,043
2031	70					\$21,471	\$21,471	4.50%	\$7,802
2032	71					\$22,266	\$22,266	4.50%	\$7,742
2033	72					\$23,090	\$23,090	4.50%	\$7,683
2034	73					\$23,944	\$23,944	4.50%	\$7,624
2035	74					\$24,830	\$24,830	4.50%	\$7,565
2036	75					\$17,509	\$17,509	4.50%	\$5,105
2037	76					\$18,157	\$18,157	4.50%	\$5,066
2038	77					\$18,829	\$18,829	4.50%	\$5,027
TOTAL									\$6,654,845

LOSS OF FINANCIAL SUPPORT-KEVIN REXFORD-FIVE YEAR SURVIVAL POST DIAGNOSIS (1/20/2006)

DOD= ???
WLE= 20 PROF. SPEC. AGE 46.23
WAGE GROWTH= 3.70%
HUSBAND'S LIFE EXP.= 78
DATE OF DIAGNOSIS 1/20/2006

46

YEAR	AGE (EOY)	INCOME	FAMILY	OWN CONSUMP.	LOSS OF SUPPORT	HOUSEHOLD SERVICES	TOTAL	DISCOUNT RATE	PRESENT VALUE
2007	46	\$219,114	4	\$40,317	\$178,797	\$5,481	\$0	0.00%	\$0
2008	47	\$501,594	4	\$92,293	\$409,301	\$5,683	\$0	0.00%	\$0
2009	48	\$520,153	4	\$95,708	\$424,445	\$5,894	\$0	2.08%	\$0
2010	49	\$539,399	4	\$99,249	\$440,150	\$6,112	\$0	1.19%	\$0
2011	50	\$559,357	4	\$102,922	\$456,435	\$6,338	\$462,773	2.21%	\$433,399
2012	51	\$580,053	4	\$106,730	\$473,323	\$6,572	\$479,896	2.50%	\$434,762
2013	52	\$601,515	3	\$132,935	\$468,580	\$6,815	\$475,396	2.79%	\$414,287
2014	53	\$623,771	2	\$183,389	\$440,382	\$7,068	\$447,450	3.00%	\$374,732
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2018	57	\$721,340	2	\$212,074	\$509,266	\$10,097	\$519,364	3.74%	\$359,757
2019	58	\$748,030	2	\$219,921	\$528,109	\$10,471	\$538,580	3.80%	\$357,338
2020	59	\$775,707	2	\$228,058	\$547,649	\$10,858	\$558,508	3.90%	\$352,893
2021	60	\$804,408	2	\$236,496	\$567,912	\$11,113	\$579,025	4.00%	\$347,748
2022	61	\$834,171	2	\$245,246	\$588,925	\$11,524	\$600,449	4.10%	\$342,110
2023	62	\$865,036	2	\$254,320	\$610,715	\$11,951	\$622,666	4.20%	\$335,923
2024	63	\$897,042	2	\$263,730	\$633,312	\$12,393	\$645,704	4.30%	\$329,219
2025	64	\$930,233	2	\$273,488	\$656,744	\$12,851	\$669,595	4.40%	\$322,036
2026	65	\$964,651	2	\$283,607	\$681,044	\$8,396	\$689,440	4.50%	\$312,179
2027	66	\$1,000,343	2	\$294,101	\$706,242	\$8,707	\$714,949	4.50%	\$309,789
2028	67					\$27,045	\$27,045	4.50%	\$11,214
2029	68					\$28,045	\$28,045	4.50%	\$11,128
2030	69					\$29,083	\$29,083	4.50%	\$11,043
2031	70					\$21,471	\$21,471	4.50%	\$7,802
2032	71					\$22,266	\$22,266	4.50%	\$7,742
2033	72					\$23,090	\$23,090	4.50%	\$7,683
2034	73					\$23,944	\$23,944	4.50%	\$7,624
2035	74					\$24,830	\$24,830	4.50%	\$7,565
2036	75					\$17,509	\$17,509	4.50%	\$5,105
2037	76					\$18,157	\$18,157	4.50%	\$5,066
2038	77					\$18,829	\$18,829	4.50%	\$5,027

TOTAL \$6,219,018

EXHIBIT 10

Terrence M. Clauretje (1)

Terrence M. Clauretje, Ph.D., C.P.A. (RETIRED CPA)
Department of Finance
University of Nevada, Las Vegas
4505 So. Maryland Parkway
Las Vegas, Nevada 89154-6025
(702) 895-3223 (Office)
(702) 456-1035 (Home)

EDUCATION

Stonehill College

1961 - 1965, B.A. in Economics

Washington State University

1965 - 1971, Ph.D. in Economics

Shepherd State College

1977 - 1978, non-degree program in Accounting. C.P.A., 1979

TEACHING EXPERIENCE

University of Nevada, Las Vegas
Las Vegas, Nevada 89154

Professor, 1988 - Present

Teach undergraduate courses in Finance, Principles of Managerial Finance, Intermediate Managerial Finance, Real Estate Finance, and Investments. Teach graduate courses in Problems in Business Finance.

Louisiana State University in Shreveport
Shreveport, Louisiana 71115

Professor, 1985 - 1988

Associate Professor, 1981 - 1985

Taught undergraduate courses in Economics, Money and Banking, Real Estate, Financial Management, Investments, Capital Budgeting, and Statistics. Taught graduate courses in Financial Management.

Shepherd State College
Shepherdstown, West Virginia 25443

Associate Professor, 1977 - 1981

Assistant Professor, 1972 - 1977

Taught undergraduate courses in Economics and Business Administration, with an emphasis on the quantitative disciplines.

Marshall University
Huntington, West Virginia 25701

Assistant Professor, 1971 - 1972

Taught undergraduate and graduate courses in Economics, with an emphasis on Money and Banking and on Monetary Theory.

Washington State University
Pullman, Washington 99163

Teaching Assistant, 1965 - 1970

RESEARCH

Dissertation: "Monetary Growth Rates, the Business Demand for Funds, and the Residential Mortgage Market: A Sectoral Econometric Study."
Received an award for outstanding dissertations at the Eastern Finance Association Meeting, April, 1973.

Articles: (Chronological)

Terrence M. Clauretie (2)

1. "Interest Rates, the Business Demand for Funds, and the Residential Mortgage Market: A Sectoral Econometric Study," Journal of Finance, December, 1973.
2. "Interest Rates and the Sectoral Behavior of the Residential Mortgage Market: A Theoretical Model," Southern Economic Journal, July, 1974.
3. "Factors Affecting Student Performance in Principles of Economics," Journal of Economic Education, Spring, 1975, co-authored with E.J. Johnson.
4. "Why do GNMA's Yield More Than Treasuries?" Journal of Portfolio Management, Spring, 1982.
5. "How Much is an Assumable Loan Worth?" Real Estate Review, Fall, 1982.
6. "Breakeven Point in Mortgage Buybacks," Mortgage Banking, August, 1982.
7. "Participant Behavior in Sweepstakes Contests," Mid South Journal of Economics, (refereed section), Summer, 1982, co-authored with Melvin W. Harju.
8. "Safe Mortgage Buybacks: Look Again," Mortgage Banking, January, 1983.
9. The Value of Real Property Attached by Creative Financing," Appraisal Review Journal, January, 1983.
10. "BASIC Program for Valuation of Assumable Low-rate Loans," Appraisal Journal, January, 1983.
11. "The Selection of Deans: Schools of Business at American Colleges and Universities," Proceedings of the Southwest AIDS, March, 1983.
12. "Expropriation Under Louisiana Law: Compensation to the Full Extent of the Loss," The Louisiana Bar Journal, April, 1983, co-authored with Melvin W. Harju.
13. "Do Single-Family House Prices Always Reflect the Value of Creative Financing?" Appraisal Review Journal, Vol. 6, No. 2, Fall, 1983.
14. "Interest Rates: Lending and Consequences," Mortgage Banking, September, 1983.
15. "Tax Rulings Affect Alternative Mortgage Instruments," Financial Planner, August, 1983, co-authored with John Marts.
16. "Recent Tax Rulings on AMI's," Journal of Accountancy, January, 1984, co-authored with John Marts.
17. "A Note on the Bias in House Price Capitalization Models," Journal of the American Real Estate & Urban Economics Association, Winter, 1983.
18. "New Directions in Eminent Domain: The Emerging Issue of Enhancement," The Appraisal Journal, April, 1984, co-authored with Melvin W. Harju.
19. "Alternative Mortgages Have Hidden Costs," Real Estate Review, Spring, 1984, co-authored with John Marts.
20. "Mortgage Market's New World," Mortgage Banking, (special issue), June, 1984.
21. "The Effect of Liquidity, Regulations and Taxes on the Portfolio Decision of Financial Institutions," Midsouth Journal of Economics (refereed section), June, 1984.
22. "Taxes, Negative Amortization, and the Duration of Graduated Payment Mortgages: Implications for Interest Rate Risk," Midsouth Journal of Economics (refereed section), September, 1984.
23. "Capitalization of Seller-Supplied Financing: Implications for Assessment," Property Tax Journal, December, 1984.
24. "The Impact of Credit Watch on Equity Returns and Bond Prices," Journal of Financial Research, Spring, 1985, co-authored with James Wansley.
25. "New Opportunities for Collegiate Real Estate Programs," Journal of Real Estate Education, Winter/ Spring, 1985.
26. "The Auditor's Use of Real Estate Appraisal Reports," Real Estate Appraiser and Analyst, Winter, 1984, co-authored with R. Steve McDuffie.
27. "What the Review Appraiser Should Know About Generally Accepted Auditing Standards," Appraisal Review Journal, Winter, 1985, co-authored with R. Steve McDuffie.
28. "Designing ARMS for Interest Rate Uncertainty," Mortgage Banking, May, 1985.

Terrence M. Clauretie (3)

29. "The Impact of New Auditing Guidelines on the Appraisal Profession: Results of a Survey of Institute Members," Appraisal Journal, October, 1985, co-authored with R. Steve McDuffie.
30. "ARMs Investments: Variance and Returns," Mortgage Banking, November, 1985.
31. "Comment on the Below-Market Financing Premium: The Buyer's Viewpoint," Property Tax Journal, December, 1985.
32. "The Impact of Bond Issues on Housing Markets," Housing Finance Review, 1986, co-authored with C.F. Sirmans and Paul Merkle.
33. "Pricing Adjustable Rate Mortgages: A Review of Recent Findings," Real Estate Finance Journal, Spring, 1986.
34. "The Expanding Concept of Just Compensation and the Role of the Appraiser," Journal of the American Real Estate and Urban Economics Association, Summer, 1986, co-authored with Mel Harju.
35. "Terms of Financing and Residential Property Prices: Views of Appraisers," Real Estate Appraiser and Analyst, Fall, 1986, co-authored with Douglas S. Bible.
36. "Cash Equivalency: Appraiser's Views and Applications," The Appraisal Journal, January, 1987.
37. "How Appraisers Have Responded to R41b Cash Equivalency," The Appraisal Review, Vol. 33, 1987, co-authored with Douglas S. Bible.
38. "The Impact of Interstate Foreclosure Cost Differences and the Value of Mortgages on Default Rates," Journal of the American Real Estate and Urban Economics Association, 1987.
39. "The Impact of Legal Costs on the Default-Foreclosure Process of Residential Mortgages: A Quantitative Analysis," American Business Law Journal, co-authored with Robert Aalberts, Winter, 1988.
40. "Microeconomic Theory of Leasehold Takings: An Analysis of Eminent Domain Applied to Leasehold Condemnation," Midsouth Journal of Economics and Finance, forthcoming, co-authored with Robert Aalberts and Clarence Adams.
41. "Empirical Evidence on the Interstate Differences in Foreclosure Rates: Would the Uniform Land Transactions Act Help?" Federal Home Loan Bank Board, Research Paper #135, February, 1988.
42. "Regional Economic Diversification and Residential Mortgage Default Risk," Journal of Real Estate Research, Spring, 1988.
43. "Comment: Resolution of Incentive Conflicts in the Mortgage Industry," Journal of Real Estate Finance and Economics, 2: 1989.
44. "Analyzing Local Economic Conditions: An Added Responsibility for Appraisers?" Journal of Real Estate Appraisal and Economics, Spring, 1989, co-authored with Robert Aalberts and Richard Hoyt.
45. "Appraisal Regulation and Certification: Views of Appraisers," The Appraisal Journal, July, 1989, co-authored with Doug Bible and Marshall Grahm.
46. "How State Laws Affect Foreclosure Costs," Secondary Mortgage Markets, Spring, 1989, co-authored with Thomas Herzog.
47. "Weighing the Risk of Self-Insurance," Mortgage Banking, December, 1988, co-authored with Jack Corgel.
48. "State Foreclosure Laws, Risk Shifting, and the Private Mortgage Insurance Industry," Journal of Risk and Insurance, September, 1989.
49. "The Impact of Legal Costs on Private Mortgage Insurance Company Losses: 1980-1986," Journal of Insurance Regulation, June, 1989.
50. "What Independent Fee Appraisers Think About Certification and Regulation," The Appraisal Review, 39, 1989, co-authored with Douglas Bible.
51. "How Society Appraisers View Appraisal Regulation and Certification," The Real Estate Appraiser and Analyst, forthcoming, co-authored with Richard Hoyt and Doug Bible.
52. "Diversification Strategies for Mortgage Default Risk Management," Real Estate Finance Journal, forthcoming, co-authored with John Corgel.
53. "A Note on Mortgage Risk: Default and Loss Rates," AREUEA Journal, Summer, 1990.
54. "A Note on Refinancing Costs, Prepayment Assumptions, and the Value of Mortgage Backed Securities," Journal of Real Estate Finance and Economics, September, 1990, co-authored with Mel Jameson and Ron Rogers.
55. "The Effect of State Foreclosure Laws on Loan Losses: Some Evidence from the Mortgage Insurance Industry," Journal of Money, Credit and Banking, May, 1990.

Terrence M. Clauretie (4)

56. "Interest Rates and the Foreclosure Process: An Agency Problem in FHA Mortgage Insurance", Journal of Risk and Insurance, January, 1991, co-authored with Mel Jameson.
57. "Institutional Bond Pricing and Information Arrival: The Case of Bond Rating Changes", Journal of Business Finance and Accounting, forthcoming, co-authored with James Wansley and John Glascock.
58. "Sexual Harassment in Housing", Journal of Property Management, January/February, 1992, co-authored with Robert Aalberts.
59. "Mortgage Revenue Bonds and Local Housing Markets", Chapter 11 in Mortgage Revenue Bonds, Danny Durning, ed., Kluwer Academic Publishing, Boston, 1992.
60. "Regulation and Certification in Appraisal: A Comparative Analysis," Journal of Real Estate Appraisal and Economics, Summer, 1992, co-authored with Douglas Bible.
61. "A Note on the Ranking of Real Estate Authors: Where Else Do They Publish and Who Cares?," Journal of Real Estate Research, Summer, 1993, co-authored with Nasser Daneshvary.
62. "Property Data from Tax Assessor's Files," Journal of Real Estate Literature, July, 1995.
63. "A Note on Foreclosure Sales and Selling Prices: Are Real Estate Markets Efficient?," Journal of Real Estate Research, forthcoming, co-authored with Thomas Carroll and Helen Neill.
64. "Ordinary and Reverse Tax Effect in Personal Injury and Wrongful Death Cases," Journal of Forensic Economics, Fall, 1994, co-authored with Mel Jameson and Robert Aalberts.
65. "Residential Loan Renegotiation: Theory and Evidence," Journal of Real Estate Research, Vol. 10, No. 2, 1995, co-authored with Mel Jameson.
66. "HUD versus Private Bank Foreclosures: The Impact on Residential Prices," Journal of Housing Economics, June, 1995, co-authored with Thomas Carroll, Helen Neill, and Cindy Jorgenson.
67. "Living Next to Godliness: Residential Property Values and Churches," Journal of Real Estate Finance and Economics, May, 1996, co-authored with Thomas Carroll and Jeff Jensen.
68. "The Economic Impact of a Transient Hazard on Property Values: The 1988 Pepon Explosion in Henderson, NV," Journal of Real Estate Finance and Economics, Vol. 13, No. 2, 1996, co-authored with Thomas Carroll, Jeff Jensen, and Margaret Waddoups.
69. "Quantifying the Tax Advantage of Structural vs. Lump-Sum Settlements in Personal Injury Awards," Journal of Legal Economics, Winter 1996/1997 with Clarence Ray.
70. "Sexual Harassment of Tenants in Rental Housing: an Ethical and Legal Debate in the wake of Shellhammer and Greer Cases" with Robert Aalberts. Forthcoming in Ethics in Real Estate (monograph)
71. "Discount Point Concession: Comment" Journal of Real Estate Finance and Economics, Nov. 1999.
72. "What Appraisers need to know about the Year 2000 Problem" co-authored with Thomas Grotewold. The Appraisal Journal, April, 1999.
73. "Year-round School Schedules and Residential Property Values" co-authored with Helen Neil. Forthcoming in the Journal of Real Estate Finance and Economics.
74. "A Note on the Earnings of Real Estate Salespersons when others in the Financial Services Industry" co-authored with Thomas Carroll. Forthcoming in the Journal of Real Estate Finance and Economics.
75. "Efficiency and Costs in Education: Year-Round vs. Traditional Schedules" with Nasser Daneshvary, forthcoming, Economics of Education Review.
76. "Goodwill and Covenants-not-to-Compete: Divorce Actions in Community Property Jurisdictions" with Robert Aalberts, Nevada Lawyer, April, 2000,
77. "Small Business Valuation: Goodwill and Covenants-not-to-Compete in Community Property Divorce Actions" with Robert Aalberts and Joseph Matoney, Journal of Forensic Economics, fall, 2000 pp. 217-231.
78. "The Effect of Tax Laws and the Cost of Capital on the Size of Newly Constructed Strip Shopping Centers" with Mel Jameson, July/August 2002, Journal of Real Estate Research.
79. "Fringe Benefits, Employer-Paid Health Insurance and the Age-Earnings Cycle: Implications for Forensic Economists", 12:3 Winter 2002-2003, Journal of Legal Economics.

Terrence M. Clauretie (5)

80. "Residential Properties Taken Under Eminent Domain: Do Government Appraisers Track Market Values?," with Keith Schwer and William Kuhn, Journal of Real Estate Research, 26:3 July/September 2004
81. "Leave Vacant or Rent: The Optimal Decision for Absentee Home Sellers," with Marv Wolverton, Journal of Real Estate Research, 28:1, 2006.
82. "Quantification of the Effect of Worker Disability on the Probability of Participation and Employment", Journal of Legal Economics, 13(1) Spring/Summer, 2003
83. "The Impact of Vocational Rehabilitation Services on Employment and Earnings of Disabled Persons" The Rehabilitation Professional, October/November, 2004, pp. 49-59.
84. "The Effect of Time-on-Market and Location on Search Costs and Anchoring: the Case of Single Family Properties, with Paul Thistle, Journal of Real Estate Finance and Economics, 2007 35: pp. 181-196.
85. "A Note on the Relationship Between Overtime Work and Age," Journal of Legal Economics, Vol. 14#1 pp. 23-31.
86. "Gender Differences in the Valuation of Employer Provided Health Insurance: with Nasser Daneshvary Economic Inquiry October, 2007 pp. 800-816.
87. "Economies of Scale and Cost Efficiencies: A Panel-Data Stochastic Frontier Analysis of Real estate Investment Trusts" with Stephen Miller and Thomas Springer, The Manchester School Vol 74 #4 pp 483-499.
88. "Principal-Agent Conflict and Broker Effort Near Listing Contract Expiration: The Case of Residential Properties", with Nasser Daneshvary, Journal of Real Estate Finance and Economics forthcoming

Textbooks:

1. Real Estate, John Wiley & Sons, 1992 with Larry Wofford.
2. Real Estate Finance: Theory and Practice, Thompson Learning, 2002 with G. Stacy Sirmans.
3. Learning Real Estate Finance, with G. Stacy Sirmans, Prentice-Hall, 2002
4. Commercial real Estate Finance: An Introduction, Mortgage bankers Association of America, 2004.

OTHER PROFESSIONAL SERVICE

Editor, Real Estate Finance Journal, 1998-2000

Member of Board of Editors, Journal of Real Estate Research, 1987 - 1988.

Member of Board of Editors of Journal of Real Estate Finance and Economics.

Editorial Review Board - Research in Real Estate Monograph Series, Volume III.

Editor, Special Issue of Journal of Real Estate Research; Ten Year Anniversary of the American Real Estate Society.

Referee for: Journal of Real Estate Research.
American Real Estate and Urban Economic Association Journal.
Journal of Real Estate Finance and Economics.
Journal of Applied Business Research.
Financial Management

President, American Real Estate Society, 1991-1992.

PROFESSIONAL ASSOCIATIONS (PAST AND PRESENT)

American Economic Association
American Real Estate and Urban Economic Association
American Institute of Certified Public Accountants
American Real Estate Society
American Finance Association

TESTIMONY AND DEPOSITIONS OF TERRENCE M. CLAURETIE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	AFFORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Abyta, Helen v. Ralphs Grocery	A506028	8 th Judicial District	Defendant	Brady, Vorwerck, Ryder & Caspino	Deposition, Trial	Damages
Ackers, Andrea v. Hermosillo-Davalos	A492718	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Acuna v. Busby	A468730	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Amador v. Kerry Malin et al.	A464465	8 th Judicial District	Plaintiff	Jerry H. Mowbray, Esq.	Dep. & Trial	Damages
Amante v. Ford Motor Co.	A459611	8 th Judicial District	Plaintiff	Lawrence Smith, Esq.	Deposition	Damages
Amirikhani v. Helmick	A496839	8 th Judicial District	Plaintiff		Deposition	Damages
Arellano v. Park North, LLC	A425066	8 th Judicial District		Robert T. Eglet, Esq.	Deposition	Damages
Arnold, Linda v. Skyline Restaurant & Casino	A465357	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Asmussen v. Feit	A470577	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
ASQ, Inc. v. Colonial Bank	A406878	8 th Judicial District	Defendant	Edward Coleman, Esq.	Deposition	Damages
Bank of America v. Robert V. Jones, et al.	A406648	8 th Judicial District	Plaintiff	Robert Kistler, Esq. Gordon & Silver	Deposition & Trial	Damages
Banner, Panix v. Don King Productions	A422631	8 th Judicial District	Plaintiff	Harry Marquis, Esq.	Trial	Damages
Barfield v. Sierra Health Ser.	A414252	8 th Judicial District	Plaintiff	Lawrence Springburg, Esq.	Deposition	Damages
Barton, James v. Dettloff, Mitchell	A466568	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Batiz v. David Robinson, Alamo Financing	CV-S-05-0294-PAL	United States District Court NV	Plaintiff	Bruce Scott Dickinson, Esq.	Deposition	Damages
Beck v. Jones	A486859	8 th Judicial District	Plaintiff	Robert Eglet, Esq.	Trial	Damages
Berganza V. AAPI Consolidated	A478637	8 th Judicial District	Plaintiff	Robert Murdock	Deposition	Damages
Bobby Long v. Philys Reller	A461076	8 th Judicial District	Plaintiff	Adam Ganz, Esq.	Dep. & Trial	Damages
Breen v. Cohen	A444793	8 th Judicial District	Defendant	Lon Burke, Esq.	Deposition	Damages
Brenda Page v. Ascar Ezedar, M.D.	A382167	8 th Judicial District	Plaintiff	Eckely Keach, Esq.	Deposition	Damages
Brittell v. Wells Cargo	A479435	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages

TESTIMONY AND DEPOSITIONS OF TERRENCE M. CLAURETIE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Bryan, Dennis v. McFall, Paul	A491945	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Burke v. The Prudential Insurance Company of America	CV-S-04-0750-JCM GWF	United States District Court NV	Plaintiff	Carolyn Ellsworth, Esq.	Deposition	Damages
Camp v. Honda Motor Co.	A362879	8 th Judicial District	Plaintiff	Howard Needham, Esq.	Deposition	Damages
Carl Aspgren v. Billie Barns	A390949	8 th Judicial District	Plaintiff	Jury Trial in Progress	Trial	Damages
Chalson v. Alltel	A407769	8 th Judicial District	Defendant	Roger Wirth, Esq.	Deposition	Damages
Cheryl Grant v. Lehua Enter.	A385194	8 th Judicial District	Plaintiff	Richard Meyers, Esq.		Damages
Childs, Patricia v. Cherry, D	A503879	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Christian v. Cunningham	A451833	8 th Judicial District	Plaintiff	Peter Christiansen, Esq.	Deposition	Damages
City of Las Vegas Downtown Development v. Moldon	A344462	8 th Judicial District	Defendant	Charles R. Gardener, Esq.	Deposition	Damages
CMI v. 1-2-3-4-5	A456331	8 th Judicial District	Plaintiff	Avece M. Higbee, Esq.	Trial	Damages
Coble v.		Arbitration	Plaintiff	Cisneros	Arbitration	Damages
Conger, David v. Quinones, Hector	A521272	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Conner, Pete v. Brookshire	A430916	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Dep. & Trial	Damages
Cooper, Kim v. Ford Motor Corp	A466566	8 th Judicial District	Plaintiff	Harris Law Firm	Deposition	Damages
Courtney Lee v. Verali	A495282	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Crocetti v. Cone	A383119	8 th Judicial District	Plaintiff	Robert Eglet, Esq.	Trial	Damages
Curtis Lee v. Union Pac. RR	A455119	8 th Judicial District	Plaintiff	Daniel T. Foley, Esq.	Deposition	Damages
Dagel, Sandra v. Dollar Rent A Car Systems	A456047	8 th Judicial District	Plaintiff	Mainer, Eglet & Cottle	Deposition	Damages
Damaso, César v. Chafin	A446238	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Delegado v. Terrible Herbst	A437408	8 th Judicial District	Plaintiff	Imanuel B. Arin, Esq.	Trial	Damages
Diana Francis v. Vaughn Smith	A479173	8 th Judicial District	Plaintiff	Nathan M. Costello, Esq.	Deposition	Damages
Dipaola, Lorraine v. Camden	A513720	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition,	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFT/DEP	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
USA, Inc.					Trial	
Dougherty v. Temple	A502369	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Douglas Jones v. Southwest Airlines	A433503	8 th Judicial District	Plaintiff	Matthew R. Vannah, Esq.	Deposition	Damages
Dropp, Marlon v. Bivens.	A494333	8 th Judicial District	Plaintiff	Arin	Deposition	Damages
Dupree v. Karen Street a California Limited LTD Partnership	A472834	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Deposition	Damages
Earthguard v. Clark County	A406630	8 th Judicial District	Plaintiff	Matthew Callister, Esq.	Deposition	Damages
Edgar, Alicia v. Quest Diagnostics, Inc.	A511862	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Edwards v. Elite Marine, LLC	A419733	8 th Judicial District	Plaintiff	Robert Vannah, Esq.	Deposition & Trial	Damages
Eicholtz v. J.C.Penney	A485509	8 th Judicial District	Plaintiff	Brian K. Harris, Esq.	Deposition	Damages
Estupinan v. Knowlton	A504352	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Evans v. Butte	A515985	8 th Judicial District	Plaintiff	Mitchell Cobega	Deposition	Damages
Hampton, David v. Rexroat	A483361	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Erica Jackson v. Tarr-Harrison Family Limited Partnership	A486611	8 th Judicial District	Plaintiff	Michelle L. Anderton, Esq.	Trial	Damages
Erwin Bohlmann v. Byron John Printz, Ash, Inc.	A344401	8 th Judicial District	Defendant	Paul Eisinger, Esq.	Deposition	Damages
Esau v. Nevada Speedway	A447246	8 th Judicial District	Plaintiff		Deposition	Damages
Estate of Ledesma v. Cano	A432086	8 th Judicial District	Plaintiff		Deposition	Damages
Faubion v. Arata	A427617	8 th Judicial District	Plaintiff	Matthew Vannah, Esq.	Deposition	Damages
Forsberg v. University Medical	A440583	8 th Judicial District	Plaintiff	Mark A. Lobello, Esq.	Deposition	Damages
Foster v. Tenneson	A459546	8 th Judicial District	Plaintiff	Timothy L. Palazzo, Esq.	Deposition	Damages
Foster v. Texas Station	A452392	8 th Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
Fowler v. Mandalay Bay	A488094	8 th Judicial District	Plaintiff	Bradley S. Mainor, Esq.	Deposition,	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Corporation					Trial	
Fuentes v. Mark Thomas et al.	A440648	8 th Judicial District	Plaintiff	Glenn Paternoster, Esq.	Trial	Damages
Fuss v. Delta Gulf Corp.	A469493	8 th Judicial District	Plaintiff	Steven Burris, Esq.	Deposition	Damages
Garcia, Rose v. Underbrink	A51461	8 th Judicial District	Plaintiff	Immanuel Arin	Deposition	Damages
Garreans, Lori v. State Farm Insurance Co.	A479903	8 th Judicial District	Plaintiff	Ralph Schwartz, Esq.	Deposition	Damages
Gary Dobbs v. Michael Knowlden, et al.	A481744	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Greiner v. Sloan	D245940	8 th Judicial District	Plaintiff	Daniel Marks, Esq.		Damages
Gentry v. Wal-Mart	A455908	8 th Judicial District	Plaintiff	Kristina R. Americo, Esq.	Deposition	Damages
George v. Tlumack	A398374	8 th Judicial District	Plaintiff	Alfred Osborne, Esq.	Trial	Damages
Giarrusso v. Nevada State Board of Medical Examiners	CV-S-05-0640-RLH-PAL	United States District Court	Plaintiff	Patti & Sgro	Deposition	Damages
Gibson, Sharon v. Petsmart, Inc.	2:06-cv-01634-JMC-LRL	United States District Court	Plaintiff	Norberto Cisneros	Deposition	Damages
Goldstein v. Motor Cargo	A464963	8 th Judicial District	Plaintiff	Richard Harris, Esq.	Deposition	Damages
Gonzales v. Suburban Lounge	A432186	8 th Judicial District	Defendant	Immanuel Arin, Esq.	Deposition	Damages
Goodman, Evan v. Mirage Casino Hotel	A510922	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Gray, Mark v. Virtual Construction	A496972	8 th Judicial District	Defendant	Leslie Stovall	Deposition	Damages
Guerrero v. Republic Silver State Disposal	A385149	8 th Judicial District	Plaintiff	John Bertoldo, Esq.	Trial	Damages
Hamawi v. Zola Williamson	A383974	8 th Judicial District	Plaintiff	Barbara I. Johnston, Esq.	Dep. & Trial	Damages
Hamby, Melissa v. Loe, Judy	A474252	8 th Judicial District	Plaintiff	Gazda & Tadayon	Deposition	Damages
Hamilton v. Nassif	A492093	8 th Judicial District	Plaintiff	F.K. Cawley, Esq.	Deposition	Damages
Hanlon v. Develpment by	A406650	8 th Judicial District	Plaintiff	Joseph Kistler, Esq.	Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
TNT, L.P.						
Harding v. James R. Gonzales	A492196	8 th Judicial District	Plaintiff	Gerald Gillock, Esq.	Deposition	Damages
Hennagan v. Zak; Valley Hospital Medical Center	A385035	8 th Judicial District	Plaintiff	J. Mitchell Cobeaga, Esq.	Deposition & Trial	Damages
Heraty v. Republic State Disposal	A453864	8 th Judicial District	Plaintiff	Steven M. Burris, Esq.	Deposition	Damages
Hershey v. Henri Specalties	A476598	8 th Judicial District	Plaintiff	Rohay	Deposition	Damages
Hicks, John v. D&K Drywall	A473269	8 th Judicial District	Plaintiff	Christiansen Law Firm	Deposition	Damages
Hidalgo v. Soto	A420169	8 th Judicial District	Plaintiff	Robert Vannah, Esq.	Trial	Damages
Hilliard, Kenneth v. Robert Lee Price, et. al.	A497338	8 th Judicial District	Plaintiff	Dallas Horton	Deposition	Damages
Hirabayashi v. St. Jude Medical Cardiac Rhythm Management Division	A493206	8 th Judicial District	Plaintiff	BEEN ORDERED SEALED	Deposition	Damages
Hood, Brenda v. Transitional Hospitals Corp of America	A530033	8 th Judicial District	Plaintiff	Bryson	Deposition	Damages
Howard v. Waldorf	A418520	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Image Commercial Cleaners v. Edward Sheridan	A488775	8 th Judicial District	Plaintiff	Matthew Q. Callister, Esq.	Deposition	Damages
Isom v. Ford Motor Co.	A438131	8 th Judicial District	Plaintiff	Robert Cottle, Esq.	Deposition	Damages
James Drennan v. Maryland Casualty Co.	CV-S-04-0990-PMP PAL	United States District Court NV	Plaintiff	William J. Brim, Esq.	Deposition	Damages
Jerry Schlosser v. New Castle Corp. & Excalibur Hotel and Casino	A462029	8 th Judicial District	Plaintiff	Mark Kulla, Esq.	Deposition	Damages
Johnson v. Moskal	A501439	8 th Judicial District	Plaintiff		Deposition	Damages
Johnson v. Diamond Const.	A424752	8 th Judicial District	Plaintiff	Matthew R. Vannah, Esq.	Deposition	Damages
Johnson-Dismor v. Southwest Medical Associates	A405028	8 th Judicial District	Plaintiff	Robert D. Vannah, Esq.	Deposition	Damages

TESTIMONY AND DEPOSITIONS OF TERRENCE M. CLAURETTE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Joseph Dennis v. Gutierrez-Perez, et al.	A463874	8 th Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
Joseph Gausch v. Signh, MD.	A376316	8 th Judicial District	Plaintiff	William Brenske, Esq.	Trial	Damages
Kadir v. Zachary Yoest & Patricia Yoest	A501060	8 th Judicial District	Plaintiff	Imanuel B. Arin, Esq.	Deposition	Damages
Karenbeld v. American Eurocopter	A474642	8 th Judicial District	Plaintiff	John M. Cobega, Esq.	Deposition	Damages
Kempton v. Respond, Inc.	A457179	8 th Judicial District	Plaintiff	Matthew L. Johnson, Esq.	Deposition	Damages
Kindness, Harold v. Hi Desert Appliance	A513344	8 th Judicial District	Plaintiff	Mainor, Egllet & Cottle	Deposition	Damages
King, Denise v. Maiza, Salah and Checker Cab Co.	A503658	8 th Judicial District	Plaintiff	Mainor, Egllet & Cottle	Deposition	Damages
Kohlman v. Evans	A470268	8 th Judicial District	Plaintiff	Ellen Stoebbling, Esq.	Deposition	Damages
Korten-Kimber v. Estate of Raymond Aquilar	A433507	8 th Judicial District	Plaintiff	Patti Wise, Esq.	Deposition	Damages
Kuckenbecker v. McFrugals	A422658	8 th Judicial District	Plaintiff	John Bertoldo, Esq.	Deposition	Damages
LaKamp, Vonda v. Turbine Master, Inc.	A510506	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Lewin v. Ford Motor Co.	A483101	8 th Judicial District	Plaintiff	Cottle	Deposition	Damages
Lewis v. Harris	A416747	8 th Judicial District	Plaintiff	Burris & Thomas	Deposition	Damages
Liu v. KB Homes	A494122	8 th Judicial District	Plaintiff	Patricia P. Trent, Esq.	Deposition	Damages
Logan v. Lefond	A397436	8 th Judicial District	Plaintiff	Michael A. Koning, Esq.	Deposition	Damages
Lomax et al v. LVMPD, TASER, International, Inc.	A CV-S-05-01464-PMP-RJJ	United States District Court	Plaintiff	Mainor, Egllet & Cottle	Deposition	Damages
Loranty v. Montevista Hosp.	A450780	8 th Judicial District	Plaintiff	Hamilton D. Moore, Esq.	Deposition	Damages
Lucero v. Laurie Larsen, MD.	A388461	8 th Judicial District	Plaintiff	Roy E. Smith, Esq.	Trial	Damages
Lyon v. Smith	A491510	8 th Judicial District	Plaintiff	Ivy Gage, Esq.	Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
MacDonald v. Brooker	A483373	8 th Judicial District	Plaintiff	Bruce Schupp, Esq.	Deposition	Damages
Madison, David v. Tintanium Metals Corp.	A477422	8 th Judicial District	Plaintiff	Mitch Cobiaga	Deposition	Damages
Maldonado-Cruz v. Gebrehwet	A496357	8 th Judicial District	Plaintiff	Brian K. Harris, Esq.	Deposition	Damages
Malloy v. Clanton	A495910	8 th Judicial District	Plaintiff	Bruce L. Woodbury, Esq.	Deposition	Damages
Maria Saucedo v. Smith's Food and Drug Center	A326991	8 th Judicial District	Plaintiff	Leslie M. Stovall, Esq.	Deposition	Damages
Mark Brown v. Cirque De Soliel	A448850	8 th Judicial District	Plaintiff	Crockett & Myers	Deposition & Trial	Damages
Martinez, Delores v. Jameson, Florence	A495652	8 th Judicial District	Plaintiff	Mainor, Egllet & Cottle	Deposition	Damages
Martinez, David v. Safari Apartments	A506369	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
May v. Baxter	A399335	8 th Judicial District	Plaintiff	Gerald Gillock, Esq.	Deposition	Damages
McAfee, Jeni v. Varis, Harris	A537394	8 th Judicial District	Plaintiff	Jensen	Deposition	Damages
McCowan v. Mandalay Resort Group	A478938	8 th Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
McGuire v. Sunrise Hospital and Medical Center	A460008	8 th Judicial District	Plaintiff	Robert T. Egllet, Esq.	Deposition	Damages
McIntyre, Lisa v. Pipes Paving Company	A477764	8 th Judicial District	Plaintiff	Leslie Mark Stovall	Deposition	Damages
McLachlan v. Pinette et al.	A489969	8 th Judicial District	Plaintiff	Robert T. Egllet, Esq.	Deposition	Damages
Merker v. Estate of Ralph Englestadt	A463675	8 th Judicial District	Defendant	Rawlins, Olson & Cannon	Trial	Damages
Messer v. Escarmilla-Estrada	A467965	8 th Judicial District	Plaintiff	Robert T. Egllet, Esq.	Dep. & Trial	Damages
Messerschmitt v. Skiles	A429663	8 th Judicial District	Plaintiff	Richard Harris, Esq.	Deposition	Damages
Molina v. Jack Laino et al.	A479124	8 th Judicial District	Plaintiff	JURY TRIAL IN PROCESS ACCESS DENIED	Deposition	Damages
Molnar, Laura v. Perry, Amy	A525022	8 th Judicial District	Plaintiff	Haul & Ganz	Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Moore, Gail v. Terrible Herbst	A521872	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Moore v	A449006	8 th Judicial District	Plaintiff		Deposition and Trial	Damages
Morales, Michelle v. Outback, Nevada	A498389	8 th Judicial District	Plaintiff	Greenman, Goldberg, et. al.	Deposition	Damages
Mourad, Renee v. Mirage Casino-Hotel	A518442	8 th Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages
Mowen v. Walgreen	A435945	8 th Judicial District	Plaintiff	Peter Christiansen, Esq.	Deposition	Damages
Moyer-Malone v. Sega Enter.	A425391	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Mulbeck v. Monterey Park II Apartments	A441221	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Mullins, Alisa v. Juarez, Monica	A488645	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Nance v. ATC Vancom	A404395	8 th Judicial District	Plaintiff	Roger P. Croteau, Esq.	Deposition	Damages
Nash v. Nevada Yellow Cab	A394552	8 th Judicial District	Plaintiff	Robert Eglet, Esq.	Deposition	Damages
Natesha Smith v. Kelly Ann Lenmart et al.	A433647	8 th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Natzel v. Robert A. Johnson	A436825	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Ncails v. Con Am Mngmt	A405077	8 th Judicial District	Plaintiff	J. Mitchell Cobcaga, Esq.	Deposition	Damages
Nichols v. Mandalay Resort Group	A426111	8 th Judicial District	Plaintiff	Judd Balmer, Esq.	Deposition	Damages
Obergh v. Billy Llamas, Safeco Ins. Co.	A461327	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Odnas v. Rodriguez	A455341	8 th Judicial District	Plaintiff	Bruce D. Schupp, Esq.	Trial	Damages
Ohan v. Reese	A507611	8 th Judicial District	Plaintiff	Justin Wilson	Deposition	Damages
Old West Enterprises v. Craigen & Pike	A395876	8 th Judicial District	Plaintiff	Vannah & Costello	Trial	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
O,Neil, Kristine v. Joseph Watson, MD.	A462083	8 th Judicial District	Plaintiff		Deposition	Damages
Otterstein v. Murray Transportation	A465654	8 th Judicial District	Plaintiff	Matthew Aaron, Esq.	Deposition	Damages
Owen v. Taylor	A474387	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Pachas v. Valley Health System	A467763	8 th Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages
Pappadato v. Sky Dive Las Vegas	A399689	8 th Judicial District	Plaintiff	Neil Galatz, Esq.	Deposition and Trial	Damages
Passno v. Julian Phelps	A460225	8 th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Pauline Kane v. Hard Rock Hotel	A488916	8 th Judicial District	Defendant	Lewis W. Brandon, Jr., Esq.	Deposition	Damages
Peggy Lopez v. Sears Roebuck and Co.	A404029	8 th Judicial District	Plaintiff	Robert Eglert, Esq.	Deposition	Damages
Pehrson v. Lee	A444435	8 th Judicial District	Defendant	Paul Kirst, Esq.	Deposition	Damages
Peoples v. Neibaur	A445154	8 th Judicial District	Plaintiff	D.N. Tomlinson, Esq.	Deposition	Damages
Perrera v. Hilliard	A512167	8 th Judicial District	Plaintiff	Manor, Eglert & Cottle	Deposition	Damages
Perez, Gina v. Kriegh, Melville	A516240	8 th Judicial District	Plaintiff	Dempsey, Roberts & Smith	Deposition	Damages
Perez v. Fremont Medical Cnt	A455047	8 th Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages
Perri v. McDaniel	A425071	8 th Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages
Perroni, Regina v. Salgado-Baez	A492719	8 th Judicial District	Plaintiff	Roger Cram	Deposition	Damages
Peterson v. Shafi	A400201	8 th Judicial District	Plaintiff	Keith Gallither, Esq.	Deposition	Damages
Pidosny, Alycia v. Wal-Mart, Inc.	A490043	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Price Woods v. Hanover Ins.	A437612	8 th Judicial District	Plaintiff	Kelly Watson, Esq.	Deposition	Damages
Pye, Brian v. FM & Nancy L. Corrigan Family Trust	A489837	8 th Judicial District	Plaintiff		Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Rabeau-Luke v. Maglara	A464996	8 th Judicial District	Plaintiff		Deposition	Damages
Reliance Fire Prevention v. Hartford Insurance Co.	A471154	8 th Judicial District	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Reza, Staci v. Star Theater	A477952	8 th Judicial District	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Righthpath v. Madison Adv.	A508769	8 th Judicial District	Defendant	Greenberg & Traurig	Deposition	Damages
Rivera v. Matheson Trking	A486912	8 th Judicial District	Plaintiff		Deposition	Damages
Roark v. City of Lass Vegas	CV-S-05-0913-LRH-GWF	United States District Court, NV	Plaintiff	Patti & Sgro	Deposition	Damages
Roberts v. Tsitouras	A463161	8 th Judicial District	Plaintiff	Robert T. Eglct, Esq.	Deposition	Damages
Robinson v. Marcus	A431887	8 th Judicial District	Plaintiff	Leslie M. Stovall, Esq.	Deposition	Damages
Romanoff v. Stewart and Sundell Concrete	A442848	8 th Judicial District	Defendant	Scott B Van Alfen, Esq.	Deposition	Damages
Ros v. Washington Group International	A510787	8 th Judicial District	Plaintiff	Bryan Lewis, Esq.	Deposition	Damages
Rosman v. Coast Hotels	A478674	8 th Judicial District	Plaintiff		Deposition	Damages
Roth v. Bayerisdie Motoren Werjke	A453810	8 th Judicial District	Plaintiff	Robert Cottle, Esq.	Deposition	Damages
Sandoval v. Michaels	A460033	8 th Judicial District	Plaintiff	McKnight	Deposition	Damages
San Juan, et. al. v. Walter Gonzalez	02-CV-023-8		Plaintiff	Callister & Reynolds	Deposition	Damages
Saucedo v. Continental Currency of Nevada	A441546	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Deposition	Damages
Saunders v. Harsco Corporation	CV-S-04-0956-JCM-LRL	United States District Court NV	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Savannah Gibbs v. Joseph Edwards, MD	A462421	8 th Judicial District	Plaintiff	Todd L. Moody, Esq.	Deposition	Damages
Scacco v. Vistana Condo	A500541	8 th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages

TESTIMONY AND DEPOSITIONS OF TERRENCE M. CLAURETIE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Owners Assoc. Inc.						
Scarlett v. Stoffer	A466843	8 th Judicial District	Plaintiff	Robert Vaughn, Esq.	Deposition	Damages
Schwab v. Sokoloff	A507596	8 th Judicial District	Plaintiff	Stokes/Josh Harris	Deposition	Damages
Selden v. Bellagio	A434516	8 th Judicial District	Plaintiff	David Churchill, Esq.	Deposition	Damages
Sharretts v. Schuelke	A415610	8 th Judicial District	Plaintiff	Matthew Callister, Esq.	Deposition	Damages
Silva v. Racol Automation	A427934	8 th Judicial District	Plaintiff	Michael Hagemeyer, Esq.	Deposition & Trial	Damages
Silvia Rosales v. Jeffery W. Powell	A468956	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Deposition	Damages
Singer, Chicka v. Palms Restaurant of Las Vegas	A428394	8 th Judicial District	Plaintiff	Burris & Thomas	Trial	Damages
Sirico v. California Hotel and Casino	A454148	8 th Judicial District	Plaintiff	Andrew J. Thomas, Esq.	Deposition	Damages
Small v. Déjà Vu Showgirls	A511848	8 th Judicial District	Plaintiff	JURY IN PROGRESS ACCESS DENIED	Deposition	Damages
Smith, Alicia v. Wal Mart Stores, Inc.	A508273	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Smith v. Marcelo	A461231	8 th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition & Trial	Damages
Smith, Emmitt v. Alamo Rent-A-Car	A476774	8 th Judicial District	Plaintiff	Chad Bowers	Trial	Damages
Sonetti v. Rocha	A487909	8 th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Southern Wine & Spirits of America, Inc v. Chateau Vegas Wine, Inc.	A460811	8 th Judicial District	Defendant	Matthew Callister	Deposition	Damages
Spahic v. Rossi	A438297	8 th Judicial District	Plaintiff	Craig Perry, Esq.	Deposition	Damages
Staci Howard v. Dr. Conte, Green Valley Pediatrics	A404089	8 th Judicial District	Plaintiff	Sherman Mayor, Esq.	Deposition & Trial	Damages
Stake v. Shac, LLC	A471174	8 th Judicial District	Defendant	Greenberg Trauring	Deposition	Damages
Steve Plak v. American Drug	A388003	8 th Judicial District	Plaintiff	Jerome DePalma, Esq.	Deposition	Damages

TESTIMONY AND DEPOSITIONS OF TERENCE M. CLAURETIE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
Stores, Inc.						
Strong v. Hayward Pool Products	A479871	8 th Judicial District	Plaintiff	Robert W. Cottle, Esq.	Deposition	Damages
Stuart v. Pennington	A430317	8 th Judicial District	Plaintiff	Albert Massi, Esq.	Deposition	Damages
Taylor v. David Levy	A482780	8 th Judicial District	Plaintiff	F.K. Cawley, Esq.	Deposition	Damages
Tejada v. Frehner Construction Co.	A502211	8 th Judicial District	Plaintiff	Patti Wise, Esq.	Deposition	Damages
Templeton v. Niemeyer	A442247	8 th Judicial District	Plaintiff	Peter Christiansen	Trial	Damages
Teng, Vitus v. Sodexo	A500871	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Thompson v. Kutcher	A434134	8 th Judicial District	Plaintiff	Matthew Vannah, Esq.	Deposition	Damages
Tillman v. Wright	A461102	8 th Judicial District	Plaintiff	Lawrence Springberg, Esq.	Deposition	Damages
Toenyes v. Howard	A494349	8 th Judicial District	Plaintiff	Bruce Tingey, Esq.	Deposition	Damages
Toomin v. Royal and Sun Alliance	A444688	8 th Judicial District	Defendant	Janice H. Jensen, Esq.	Deposition	Damages
Treich Phillip v. St. Judes Ranch for Children	A493499	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Uppleger v. Farmer	A453916	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Van Horn v. U.S.F. Fabrication, Inc.	A446696	8 th Judicial District	Plaintiff	Laurence J. Smith, Esq.	Trial & Deposition	Damages
Van Horst v. Giron	A445421	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Vance v. Gold River Casino	A382433	8 th Judicial District	Plaintiff	Michael A. Koning, Esq.	Deposition	Damages
Variale v. Diffen	A432577	8 th Judicial District	Plaintiff	James Christensen, Esq.	Dep. & Trial	Damages
Villafuerte v. Daimler Chrysler	A431873	8 th Judicial District	Plaintiff	Ralph Schwartz, Esq.	Deposition	Damages
Vitarelli v. Harrahs	A426735	8 th Judicial District	Plaintiff	Eugene White, Esq.	Deposition	Damages
Von Unruh v. Ford Motor Co.	A455094	8 th Judicial District	Plaintiff	Steven M. Baker, Esq.	Dep. & Trial	Damages
Walker v. Curry	A487148	8 th Judicial District	Plaintiff	Struckmeyer & Wilson	Deposition	Damages
Welch, Lynn v. Larry Nelson	A437738	8 th Judicial District	Plaintiff	Mainor Firm	Trial	Damages
Werner v. Tuveill	A520659	8 th Judicial District	Plaintiff	Mills & Mills	Deposition	Damages
Western Technologies, Inc. v. Anderson	A368873	8 th Judicial District	Plaintiff	Mark E. Trafton, Esq.	Trial	Damages

TESTIMONY AND DEPOSITIONS OF TERRENCE M. CLAURETIE, Ph.D.

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION
White, Peter v. Rodrigues, Benjamin	A499947	8 th Judicial District	Plaintiff	Jensen (Christainsen)	Deposition	Damages
William Upplegger v. Michael Farmer	A453916	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Trial	Damages
Williams v. Gillim	A487670	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Wilson v. Fayad	A449152	8 th Judicial District	Plaintiff	Lawrence Springberg, Esq.	Deposition, Trial	Damages
Wonders v. Douglas Groneman	A451562	8 th Judicial District	Plaintiff	Xavier Gonzales, Esq.	Deposition & Trial	Damages
Yeung v. Roberts	A488783	8 th Judicial District	Plaintiff	Robert Ebinger, Esq.	Deposition	Damages
Zaczek, Joe v. Masse, Jason	A504814	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Zawalski v. Campbell	A510459	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Zellars v. Zuniga	A426355	8 th Judicial District	Plaintiff	Leslie Stovall, Esq.	Deposition	Damages
Zimmerman v. Ford Motor Co	A448318	8 th Judicial District	Plaintiff	Robert W. Cottle, Esq.	Deposition	Damages